DEPARTMENT OF STATE
DEC 27 1886
RECEIVED.

No. 236.

Legation of the United States.

Peking November 11th 1886.

Mr. Denby to the
Secretary of State

Subject.

Purchases of Legation furniture.

Synopsis.

Enclosing a list of necessary Legation furniture, purchased under authority of dispatch No. 30, and vouchers for the same. Has drawn draft on Secty of State against this account.

One enclosure

No. 236.

Legation of the United States.

Peking November 11th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

By virtue of the authority given in your dispatch No. 30, of Dec 22nd 1886, to spend $500 in the purchase of necessary articles for the use of this Legation, I have bought the articles enumerated in enclosure No. 1 herewith. Schedules of articles and vouchers are attached hereto.

1/236

I

I have exceeded the amount authorized by $142.16. This excess was not originally intentional but arose from miscalculation. Your dispatch contains an intimation, however, that some allowance will be made each year. These purchases were made under authority dated Dec. 22nd 1885. The excess can, therefore, be deducted from any contemplated allowance for the present year.

I request that this allowance be made and that the draft which I have this day drawn on you for $642.16 (= Mex. $786.96 @ .81½ per me)

per mail) be remitted.

I am, Sir,

Your obedient servant,

Charles Denby

Enclosure. 1. Statement as above with 7 vouchers.

DEPARTMENT OF STATE
DEC 27 1886
RECEIVED.

No. 237.

Dr Everett 29

Legation of the United States.

2D ASSISTANT SECRETARY
Ack by No. & file
DEC 28 1886

Peking November 4th 1886.

Mr. Denby to the

Secretary of State

Subject.

Prince Kung to again receive salary as Prince of 1st order.

No. 237.

Legation of the United States.

Peking November 11th 1886.

To the Honorable

Thomas F. Bayard,

Secretary of State,

Washington D. C.

Sir:

I have the honor to inform you that a decree of Her Majesty the Empress appeared in the Peking Gazette of the 2nd instant by which Prince Kung, who was deprived of office and of emoluments attached thereto in April 1884, is again to receive the double salary

salary of Prince of the first order (Chin Wang) which had formerly been allowed him.

Pao Yün, one of the former Grand Secretaries and Minister of the Yamên under Prince Kung's administration, is granted, by a decree of the same date, the half salary of a retired Grand Secretary. He had been retired from office at the same time as Prince Kung, retaining only his rank.

It is believed that the above decrees do not point to any change in the government such

such as referring office or Prince King would imply, but our knowledge of the views and general policy, as well as of the intrigues at Court are so very imperfect that it is impossible to express any opinion on the subject.

I have the honor to be,
Sir.
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
DEC 27 1886
RECEIVED.

No. 238.

Mr Everett 29

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack, sympathizing and congratulate
DEC 28 1886

Peking November 9th 1886.

Dispatch
Dec 30

Mr. Denby to the
Secretary of State

Subject.

Mr. Denby's injuries from fall from his horse not serious.

No. 238.

Legation of the United States.
Peking, November 9th 1886.

To the Honorable,
Thomas F. Bayard,
Secretary of State.
Washington, D. C.

Sir:

In riding in from the country with a party of ladies and gentlemen the 5th inst., my horse gave a sudden jump and I fell from him backwards. I was slightly cut on the back of the head and somewhat bruised in the back. The next morning I was up and

in

in my office attending to
business as usual and
have been so ever since.
I am now almost as well
as ever.

I mention this occurrence,
which happens almost daily
to some member of this
community, lest exaggerated
reports of the accident
should reach you.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

No. 239.

DEPARTMENT OF STATE
DEC 27 1886
RECEIVED.

Legation of the United States.

Peking November 10th 1886.

Mr. Denby To the

Secretary of State

Subject.

Acknowledging dispatches

No. 239.

Legation of the United States.
Peking November 10th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches No. 194, of September 17th, and 105, of September 21st last.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Ans. 5 March 87
Draft J. B. M.

No. 240.

Legation of the United States.

Peking November 12th 1886.

Mr. Denby to the

Secretary of State.

Subject.

Proposed revision of the Regulations and By-laws of Shanghai.

Synopsis.-

History of the Land Regulations. Controversy between the Municipality and the Ministers of the Treaty Powers. Suggestions of existing anomalies and of remedy by establishing a City Court to try offenders against City Ordinances.

No. 240.

Legation of the United States.

Peking November 12th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

The City of Shanghai was first organized under a code of municipal and land regulations issued July 5th 1854 by the Consuls of Great Britain, the United States and France.

Sept. 21 1869 the foreign ministers approved a code of revised land

regulations

regulations prepared in March 1866.

In April 1868 the French established their own separate code which is operated without reference to the revised land regulations of the balance of the city.

In 1879 agitation was begun for the revision of these regulations. In 1880 the labor of revision was completed and the revised land regulations were submitted to the foreign ministers for their approval.

In 1882 the foreign ministers submitted to the municipality certain alterations and

and amendments proposed by them. In 1881 the municipal officers returned to the foreign ministers a reprint of the proposed municipal regulations and by-laws. In this publication the municipality accepted some of the emendations made by the ministers and retained in other clauses the original text. I do not know for what reason the matter has slept in the office of the Dean until the present time, but it happens that only lately was a conference of the Diplomatic Body called

to

to discuss this matter.

The organization of Shanghai is peculiar, its charter is called "Regulations." Every foreigner owning land not less than Rs 500 in value, or who shall be a house-holder, paying or an assessed rental of not less than Rs 500 per annum, may vote at all elections. These land holders are called the "Municipal Body."

This body elects at stated times a "Municipal Council" consisting of not more than nine members. The municipal council has the

the ordinary powers of such bodies at home, but their by-laws do not take effect until passed and approved by the council and foreign ministers, or a majority of them, and the rate payers in special meeting assembled. In the proposed revision the municipality insists that this clause shall be changed so as to read "any such "additional (that is in "addition to what is now "submitted for our approval) "or substituted by-law, "or alteration or repeal of "a by-law, shall be "binding when approved by

"by the Treaty Consuls and
"the Intendant of Circuit,
"or by a majority of them,
"but the representatives
"of the Treaty Powers may,
"at any time within
"six months of the date
"of such approval, annul
"any such additional
"or substituted by-law,
"or alteration or repeal of
"a by-law."

The foreign ministers have not consented, and will not consent, to surrender their power to approve or disapprove of a by-law before it shall go into operation, or, at least, will limit the

power

power to enact by-laws
without their concurrence
to trivial offences and
subjects. This point is the
main matter of dispute
between the municipality
and the foreign ministers.

There are many
other minor points involving
the question as to what the
regulations, being in the
nature of a charter or
constitution should contain
and what should be in
the by-laws. There are also
some material differences as
to the merits of certain
proposed by-laws. In the
present state of this discussion

it

it would be useless to submit these matters at length. There are, however, certain general observations upon which the Department might now signify its views.

It is a plain anomaly that the Consul General of the United States should try a man for fast driving, for committing a nuisance in the streets, for drunkenness or for many other offences against the ordinances of the municipality. The Consul-General is supposed to administer his own laws, but our Federal laws are silent as to such offences as these.

Respectfully

necessarily the Consul General must be governed by the city ordinances, meaning, perhaps, not the power, to contravene the spirit of our laws. As if the municipal ordinance provided that for fast driving a man should be imprisoned five years, the Consul General would disregard such ordinance and inflict some penalty more in accordance with the spirit of his own law. In the present condition of things the Consul General is the only magistrate who can try an American. A lawyer would be puzzled to find the power of the

Consul-

Consul General to try an American for any breach of the ordinances, as in the United States all offences must be defined by statute and there is in the Federal Statutes no definition of such offences. You have so held in the matter of dealing in opium.

It will not do to say that by the approval of the Consul and Minister these ordinances became a part of the criminal laws of the United States, because the Consuls and the minister have no legislative power.

The difficulty might be

be solved by an Act of Congress. A Judicial Court established in Shanghai would afford a legal tribunal, or such actions might be treated as civil proceedings to recover a penalty. But from necessity the Consul General must continue to exercise this power however doubtful it be.

I have consulted my colleagues on a proposition which would remove all difficulty.

I suggest that by the concurrence of the Treaty Powers and with the aid of such legislation

Consul General to try an American for any breach of the ordinances, as in the United States all offences must be defined [illegible] this is in

How about Section 4087 R.S. which empowers Consuls to make decrees and regulations having the force of law? Is there any limit to a Consul's jurisdiction under this remarkable section?

[illegible] ence.

the

[illegible] opium.

to say that by the approval of the Consul and Minister these ordinances became a part of the criminal law of the United States, because the Consuls and the minister have no legislative power.

The difficulty might be

be solved by an Act of Congress. A Judicial Court established in Shanghai would afford a legal tribunal, or such actions might be treated as civil proceedings to recover a penalty. But from necessity the Consul General must continue to exercise this power however doubtful it be.

I have consulted my colleagues on a proposition which would remove all difficulty.

I suggest that by the concurrence of the Treaty Powers and with the aid of such legislation

legislation as might be necessary, a city court be created in Shanghai. This court might be constituted with a city judge as presiding officer. The court should have jurisdiction to try all offenses arising out of breaches of the ordinances, or by-laws as they are called here.

As now under the treaties England has a court by which her own subjects are tried, so, without making any new treaty, all the Powers could agree that a city court might try all their subjects and citizens

This plan would relieve the Consul General of a large proportion of his judicial labor. It is scarcely in accordance with the dignity of the United States for the Consul General to sit half the year hearing petty criminal cases. The time of this dignified and important official could be much more usefully employed. The fines are small, but such as they are they should come to the benefit of the city and not to the United States.

The city judge might be elected by the councils or by the people subject

subject to the approval of the consuls.

However, this plan is not enthusiastically received by my colleagues. The jealousies among European representatives are too great for me to indulge in much hope that it will be adopted. England might consent, because she would ordinarily secure the judge, but the Continental Powers do not relish the idea of their subjects being tried by a foreign judge. Even here in Peking the jealousy crops out in trivial matters. Fortunately the Atlantic Ocean and the

Honors

Monroe Doctrine place the United States and its representatives above the bickerings that seem incidental to diplomatic life.

I deemed it proper to make these observations while the matter of the revision of the land regulations was pending. Some time will elapse before the revision as adopted can be forwarded to you.

My action will be subject then to your approval or disapproval.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

No. 241.

Legation of the United States.
Peking November 15th 1886.

Mr. Denby to the
Secretary of State.

Subject.
Acknowledging receipt of
dispatches.

No. 241.

Legation of the United States.
Peking November 15th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D. C.

Sir:

I have the honor to acknowledge the receipt of your dispatches No. 106 of September 25th and 107 of September 29th last.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

No 242.

Mr Everett

Legation of the United States

Peking, November 17th, 1886.

2D ASSISTANT SECRETARY.
For. Rels. 1886.
Ack'd accordingly.
JAN .4 1887

Jany 6. 87 Fiske.

Mr. Charles Denby

to the

Secretary of State

Subject

Floods in the Provinces of Chihli.

Synopsis.

Gives an account of the floods and the distress caused thereby.

No 242.

Legation of the United States.

Peking, November 17th, 1886.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to report to the Department that, owing to the heavy and incessant down pour of rain which prevailed during the summer and early part of the autumn, in the provinces of Chihli, many districts in the prefectures of Shuntien, Paoting, Ho chien, Tientsin, and other places, were flooded by the overflow of the rivers and bursting of their Embankments. The crops are entirely destroyed and the country completely covered with water. Countless houses have been demolished or rendered uninhabitable; most

of

of the people are roofless and
no small number on the verge
of starvation, and winter of fearful
severity to be faced, all the evils
that are implied in the three
words, hunger, cold and nakedness,
lie before these Chinese unfortunates.
The inundations have caused
the Government serious uneasiness,
and it is to be feared there is
too good reason for anxiety.
The districts flooded are immense;
the ruin caused complete; there
is little prospect of the water —
draining off before the winter
sets in, so many tens of square
miles of land will be converted for
some months into a frozen lake,
and thousands of agricultural
people will be utterly deprived of the
means of Earning food. The
land flooded is so low that the
drainage towards the sea is

slight

slight and slow, and the unseasonable rains during the month of october, have counteracted to a great extent any diminution which might have taken place, so that at present the water on the plains, in some plains adjacent to Tientsin, is almost as deep as when the flood was at the highest point. Immense districts, more or less, ice-bound and thousands of starving people to be housed and fed during a severe winter. This then is the prospect which the Government has to face, and this, not in a remote region of the Empire, but in the immediate neighborhood of the Capital where the Emperor has not only already heard, but is likely to still hear, the cry of distress with unpleasant distinctness

The following appropriations of

the

rice and money have been made by decree issued by the Empress Regent and Emperor, to alleviate the distress of the sufferers.

On the 9th of August 66.130 peals of rice was granted by Imperial Order, to be distributed among the famine stricken in the four prefectures above alluded to. The rice is to be taken from the Tribute Grain of Kiangsu in transit to Peking, and the money necessary to defray cost of transit of same, is also given to afford relief to the sufferers.

On the 4th of September another allotment of 50.000 peals of tribute rice was given from the Kiang Pei supply, as well as the money necessary for cost of transportation of same, to be distributed among the sufferers in the Shantung prefectures.

On

on the same day, the Empress Regent, granted by Imperial decree from the Palace funds, the sum of 20.000 taels for the same purpose.

On the 5th of September, a further decree appeared, based upon a memorial presented by the Governor General Li Hung Chang, granting an appropriation of taels 100.000 to be used at once in giving succor and relief to the destitute in various districts in the prefectures of Tientsin and Kung Ling. The money to be furnished by the Provincial Treasury of Chihli. The Empress also decreed, on the same day, that the Board of Revenue shall appropriate taels 20.000. from the moneys due for the Imperial Palace, to be applied toward giving relief to the distressed

throughout

throughout the flooded districts in
the Province of Chihli.
Hundreds of refugees are seen
daily - men women and children -
going to, and returning from,
the Government soup kitchens, where
they receive a quantity of gruel
per diem, but the small amount
received cannot very well support
life, especially to those who are
half-clothed and barely sheltered
from the nights cold.
In the districts surrounding
and belonging to Tientsin,
through which the high road
to Peking passes, for nearly 15
miles, every village is distinguished,
the country presenting one vast
and almost uninterrupted
expanse of water, dotted here
and there with island hamlets -

(The

(the walls of the remaining houses) -
and forlorn trees. Boats of
various descriptions are to be
seen skimming over these waters,
and the trade in fishing
has received an immense impetus.
Many of the farmers whose
means of support by agricultural
pursuits are cut off, having taken
to fishing as a source of livlihood.
While this occupation will help to
keep many from the pangs of
hunger for a short time, it will
cease when the water is frozen.

I have the honor to be
Sir,
Your obedient Servant
Charles Denby

(copied K)

No. 243. Answ'd 8 Jan'y 87
Draft aaa.
To Comm'n in F.A. 8/Jan'y 87.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Mr Everett

Copies for F.R. 1887.

Legation of the United States.

Peking November 17th 1886.

Mr. Denby to the

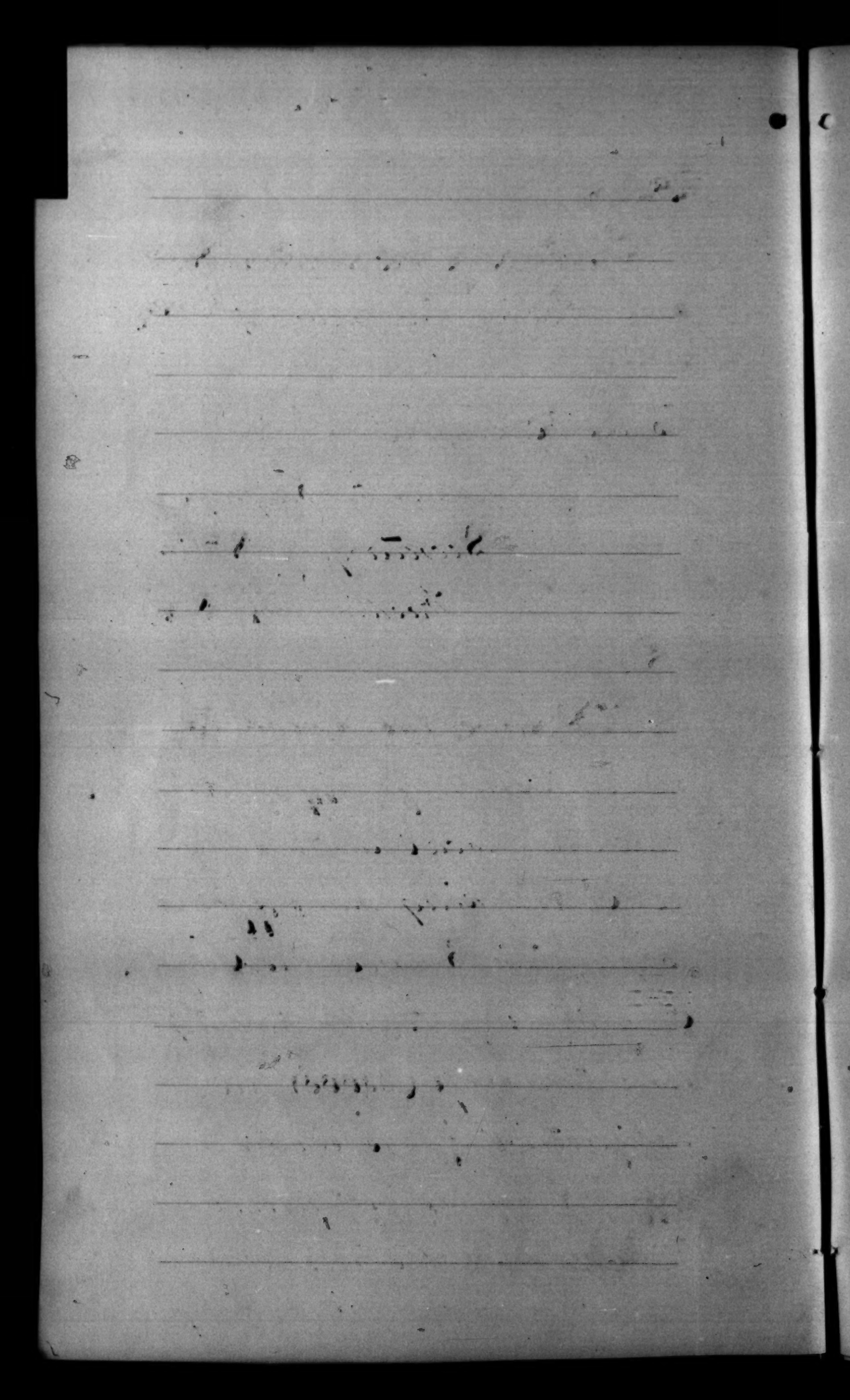
Secretary of State.

Subject.

Chungking Missionary claims.

Synopsis.

Chungking authorities offer, and American Missionaries agree to accept, Hs 23000 as indemnity in full of their losses, such acceptance not to involve waiver of title to real estate in, nor right to return to Chungking.



Three enclosures

No. 243.

Legation of the United States.
Peking November 17th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State.
Washington D. C.

Sir:

I have the honor to report the gratifying intelligence that the local authorities at Chungking have offered to pay Mr. Bourne, the English Consular Agent, Rs. twenty three thousand (23,000) in satisfaction of the losses suffered by the Methodist Mission and the Missionaries by

by the riots in July. This information came to me (the British Minister), from Sir John Walsham, who has very kindly permitted Mr. Boisne to act for us in this matter.

Mr. J. D. Gamewell, the Superintendent of the Mission, has accepted this offer. It is understood that its acceptance does not waive the right of the missionaries to return to Chungking, and does not surrender title to their real estate. But they consent to accept other lands, in exchange for the land in the suburbs, should suitable and eligible

locations

locations be offered them.

I append hereto copies of Mr. Camerwell's Communication to me and of my letter to Sir John Walsham, as also of a note from Sir John Walsham giving a copy of his telegram to Mr. Braine notifying Mr. Camerwell's acceptance. 1/243 2/243 3/243

It is proper to state that the claim was Rs twenty ~~four~~ eight thousand (28000) [No 229] I did not exercise any authority to secure the reduction asked. I left Mr. Camerwell entirely free to accept or refuse the offer.

(But having had a very large) omit ***

large experience in the trial of tort cases of this character, I do not hesitate to say that, in my opinion, this compromise is proper and advantageous.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures

1. Mr. Gamewell to Mr. Denby Nov 17th 1886. No 61/1886.

2. Mr. Denby to Sir John Walsham Nov 17th 1886, No 60/1886

3. Sir John Walsham to Mr. Denby Nov 17th 1886. No 62/1886.

No. M 61/1886. Enclosure No. 1 in No. 243

Mr. Vanderwill to Mr. Denby.

Nov. 17th 1886

Sir:

Having received from you a notification that an offer has been made to Mr. Bourne of Hs 23000 in settlement of the damages done by the mob in Chungking to the property of citizens of the United States, I hereby authorize Mr. Bourne to accept said offer by way of compromise - with the distinct understanding that the Missionary Association that I represent and the United States missionaries do not thereby surrender title to the real estate of said Association nor give up the right to return to Chungking and renew work there. It is, nevertheless, further understood that the

Missionary

Missionary Association will not insist on occupying the property in the suburbs of Chungking for Mission purposes, but will, if the local authorities so desire, consent to exchange said property for other eligible and suitable property located in a different locality.

(signed) F. D. Gamewell
Supt. West China Mission of
the Methodist Episcopal Church.

Enclosure No. 2 in No. 243.

No. M. 60/1886.

Mr. Denby to Sir John Walsham.

November 17th 1886.

My dear Colleague:

I have the honor to acknowledge the receipt of your note of yesterday.

I beg leave again to return to you the thanks of my fellow citizens and myself for your kindness and assistance in the matter in hand.

I have submitted to Mr. Gamewell the proposition to authorize Mr. Bourne to accept Hs 23000 in satisfaction of the wrongs and injuries done to the property of the Methodist Mission and of the missionaries at Chungking.

Mr. Gamewell now authorizes Mr. Bourne to accept said sum in full satisfaction

satisfaction of the pecuniary loss.

I desire it to be distinctly understood and so communicated to the local authorities by Mr. Bourne that this acceptance of said sum does not involve any waiver of the right of the missionaries to return to Chungking and resume their legitimate work nor the surrender of their title to the real estate purchased and occupied by them.

But the Missionary Association and the missionaries will not insist on reoccupying for mission work the property in the suburbs of Chungking, if the local authorities object to such occupation, and will consent to exchange said property for other suitable and eligible property in the vicinity of Chungking.

D

I attach hereto a copy of the communication of Mr. Yancewell to me expressing these ideas.

I beg leave to state that the Association would take pleasure in refunding to Your Excellency the cost of telegrams as well as any other expenses you have incurred on its account. A statement thereof can be sent to me.

Yours faithfully
signed Charles Denby

Enclosure 3 in No. 243

No. 62/1886

Sir John Walsham to Mr. Denby.

November 17th 1886.

My dear Colleague:

On the receipt of your letter of today and of its enclosure from Dr Vanderwell, I telegraphed the following message to Mr. Bourne through H.M's Consul at Ichang -

"The United States "Minister, with the concurrence "of the Missionary Association, "accepts, for pecuniary losses, "the proposed compromise of "Taels 23000, on the following "specific conditions:-

The missionaries "shall not be held as having "thereby waived their right "to return to Chungking, nor "as having surrendered their "title to the real estate purchased and

"and occupied by them, but,
"if the local authorities should
"object to the reoccupation
"for mission purposes of the
"property in the suburbs, the
"missionaries will agree to
"exchange it for other
"suitable property."

Yours faithfully
(signed) John Walsham.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Mrs Everett
57

No. 204.

Legation of the United States.

Peking November 17th 1886.

Mr. Denby to the
Secretary of State.

Subject
Formosa, its foreign trade and military importance

Synopsis.

Chinese rule established only on the coast. Chinese immigration due to fertility of soil. Efforts made to promote civilization. Fortifications vigorously pushed, and a railroad proposed. Made a seperate province. Products of camphor & coal. Increased production of tea & sugar. Question of establishing consulates there.

No. 244.

Legation of the United States.

Peking November 17th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

The steady growth of the foreign trade of Formosa and the great military importance of the island, forming, as it does, - to use the words of a recent Memorial to the Throne - "a portal to the Southern China Sea and a bulwark for seven provinces", authorize me to call your attention

attention to the present condition of the island and its importance in our trade with China.

Although having nominally possession of Formosa since the latter part of the 17th Century, the Chinese have only been able to establish their rule along the coast, the interior of the island being still inhabited by independent tribes of aborigines, who live chiefly by hunting and who have ever shown unconquerable aversion to the Chinese. In their fondness for head hunting they resemble the

Dayaks

Dayaks of Borneo, and we learn from a recent Memorial of the Military Administrator in Formosa, that the murders committed by them number over a thousand yearly.

Notwithstanding the animosity of the natives and the badly organized administration and inability on the part of Chinese the authorities in the island to afford adequate protection to persons and property, the natural resources of Formosa and the wonderful fertility of its soil, have for years past caused a

stream

stream of emigration to flow thither from the provinces on the mainland, and day by day the area of cultivation is spreading and the natural products becoming better known and more thoroughly worked.

The present Military Administrator in Formosa, Liu Ming-Chuan, whose energetic defence of the island against the French, in 1884-85, called forth the admiration of China, appears to be doing much in the way of establishing order and developing the resources of the island.

Memorializing

Memorializing the Throne,
under date July 20th last,
he states that he has been
able this year to bring
into subjection over four
hundred villages, that over
seventy thousand people
have embraced civilization
and that over twenty
thousand acres of land
earlier brought under
cultivation but since
abandoned have been reclaimed.

This pleasing
picture of the rapid strides
of civilization in Formosa
is, I fear, marred to some
extent by what we read
in a Sub-Memorial from
the

the same high official, published in the Peking Gazette, under date July 21st last, in which he says that in consequence of the failure that had hitherto been experienced in winning the savages over to civilization, a plan was devised for issuing coats and other garments to the savages. Some of the officials and gentry subscribed money and others contributed old uniforms and flags which were converted into garments and seventy thousand suits of clothes were thus got together.

"The

"The ravagers, who are
"exceptionally poor, when
"they heard that there were
"clothes to be got, came flocking
"out of their mountain
"homes, men and women
"alike giving each other
"the lead toward civilization."
This is to be apprehended
that the seventy thousand
wearers of these extemporized
garments are the same
who have "embraced
civilization" and, possibly,
lived in the four hundred
villages brought under
subjection and cultivated
the twenty thousand acres
of reclaimed land.

But

But whether the official efforts to civilize Formosa are successful or not, the steadily increasing trade of the island is there to show that cultivation, if not civilization, is rapidly gaining ground.

The defenses of Formosa have also attracted the serious attention of the Military Administration, and the ports on the west and north coasts, the only ones accessible, as well as the Pescadore Islands, are being fortified and armed with the most approved type of Krupp and Armstrong guns

guns. It is also intended to establish telegraphic lines and to connect the island with the mainland by a submarine cable. A short railway will, in all probability, be constructed between Keelung and Tamsui; and the name of an American firm, well known in China, is mentioned in connection with this last undertaking.

omit 2

To meet the expenses which the defensive organization of the island will occasion, Liu Ming-ch'uan has requested that for the next four or five years a sum of Taels one million be allowed

allowed him annually from the receipts of the Customs of Canton, Shanghai, Hiungpo, etc., after which time he expects that the island will be self-supporting.

Heretofore Formosa has been an integral part of the province of Fuhkien, but on the 16th January of this year, there appeared an decree ordering it to be constituted a seperate province but joined to Fuhkien, and the Pescadore Islands made the headquarters of the General of the Kaitau Division.

Of the natural products

of

of Tomora camphor and
coal may be regarded as
the most valuable. The
production of camphor is,
however, so rapidly decreasing,
that its extinction may
be looked for in the near
future, unless the forests
of this valuable tree which
exist in the interior of the
island are made accessible.
In 1880 the exports of camphor
through the foreign custom-
house in Tomora were 12.335
piculs*. In 1883 it had
fallen to 3.086.21 piculs and
in 1884 to 461.98.

Taweni and Kelang
in the north of the island
have

* 1 picul = 133⅓ lbs avoirdupois

have the only coal beds
now worked, but, according
to Chinese statements, "coal
"mining in northern Formosa
"has never paid, owing to
"the want of competent
"men to manage the matter."
Other reasons accounting for
the want of success in the
past and for the
impracticability of working
these mines to any great
extent in the future, have
been given by competent
European authorities, but
it is useless to our purpose
to mention them here. The
output of the mines of
Tamsui and Kelung may

be

be grossly estimated are something over 100 000 tons annually; and the expenses of working them are officially given at between Fr 4000 and 5000 per month.

Petroleum oil has been found near Zanesi and Fakos, but, although it is used on a small scale by the Chinese both medicinally and for lighting purposes, attempts made to work it on a large scale according to foreign methods have so far failed.

Sulphur is abundant in the island and is found in nearly a pure state

state near Kelung. It might give rise to an important export trade were the restrictions imposed on working it removed. All these questions have, however, been already reported to the Department in 1869 (See Consular Relations 1869 pp 85 etc) since which time nothing new has occurred to necessitate any further remarks.

The net value of the trade of Tamsui and Takow, the two chief ports of Formosa, as reported by the Chinese Maritime Customs, which was Hs. 5.587.469 in 1877, grew to Hs. 6.977.936 in

in 1885 ~~and~~ even reached the sum of Hs 8.200.118 in 1881.

The chief articles of export to foreign countries from Formosa are tea and sugar. The increase in the production of tea is wonderful. Whereas in 1865 the total export of black tea (oolong) from Formosa was but 1359.57 piculs, it had reached in 1885 the enormous figure of 122.760.31 piculs. Assuming that all the oolong tea reexported from Amoy to the United States is from Formosa, and it is believed that

that this assumption is only subject to a very slight correction, we find that 50.922.40¾ piculs were shipped there in 1877, 80.053.89 in 1883 and 99.649.89 in 1885, the total re-export to all foreign countries of this quality of tea from the port of Amoy during the same year being 120.722.38 piculs.

The exportation of Formosan sugar, although very important, does not show as marked and rapid an increase as that of tea. Thus we find that in 1878 413.680 piculs of brown

brown and white sugar were exported through the Foreign Customs, in 1880 the exports reached 1.061.116 piculs, in 1881 967.028 piculs and in 1885 558.980 piculs. These figures do not account for what is exported by junks.

The greater part of the sugar from Formosa is consumed by Japan and Australia. The United States took 28.953 piculs of brown sugar in 1872, 130.431 in 1880, 55.166 in 1883 and 37.050 in 1884. It is highly probable that the United States will never become a large consumer of Formosan sugar

sugar as it cannot compete with that supplied by the Kawaii Islands. The sugar industry of Formosa may also receive a severe blow if the Japanese are able to carry out their plan of cultivating sugar cane in the Loo-choo islands, a scheme which is being agitated at present in Japan.

The import trade of Formosa is of much less comparative value than the export trade and the United States do not take a prominent place in it. The articles of import from foreign countries, consisting

principally

principally in opium, cotton
and woollen goods, represented
in 1875 a value of Hs.
1.149.797, in 1880 Hs. 1.982.564
and in 1885 Hs 1.860.209
at the ports of Tamsui
and Kelung. With greater
security given the people
and consequently a larger
area under cultivation and
with other general improvements
which may be confidently
looked for in the administration
of Formosa in the near future,
the Chinese population of
Formosa must rapidly
increase and the consumption
of foreign goods become much
greater than at present.

The

The ordinary staples American goods used in China generally are also those which are taken by Formosa, but it is not possible to give the value of our trade in these articles with the island. Petroleum is largely imported into Formosa in junks which, not passing through the Foreign Customs, furnish us with no returns, nevertheless we find that, whereas in 1881 only 3490 gallons of kerosene were imported to Tamsui in foreign bottoms, 31.900 gallons were imported in 1884, and that at Takow 81.120 gallons

gallons were imported in 1881, 104,600 in 1882, and 144,650 in 1885.

Great Britain is the only treaty power which has consulate in Formosa, our trade with Ireland being nearly entirely carried on through Amoy. Should our trade with Formosa continue to increase, as there is every prospect that it will, it will perhaps be found advantageous to ship directly to the United States instead of re-shipping from Amoy as at present. But I am not at present sufficiently informed of the character and

and condition of the harbors to be able to state definitely what rigged ships can enter them. Should the commerce and trade of the Island continue to increase in volume it may be necessary to establish two consulates.

As to the present necessity of such course I now withhold my opinion. I prefer, if I am allowed the privilege, to visit Formosa next spring and having personally examined into the condition of things, then advise the Department of my views and conclusions.

I have the honor to be,

Sir. Your obedient servant

Charles Denby

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Separate. One enclosure.

No. 200

Legation of the United States
Peking November 19th, 1886.

Hon. F. D. Gresham
to the
Secretary of State.

Subject

Enclosing Duplicate
Salary Account
for 3d Quarter 1886.

— -- —

Separate. One Enclosure.

Legation of the United States.
Peking, November 19th, 1886.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed duplicate statement of my salary account for the Quarter ending the 30th of September ultimo.

I have the honor to be,
Sir,
Your obedient Servant.
F. D. Chester.

Enclosure
Duplicate statement as above.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

No. 245. One enclosure.

Mr Bassett

Legation of the United States.

Peking, November 19th, 1886.

Mr. Charles Denby.

to the

Secretary of State

Subject

Enclosing duplicate

a/c for Contingent Expenses

for 3d Quarter 1886.

No 245. One enclosure.

Legation of the United States
Peking, November 19th, 1886.

Honorable Thomas F Bayard.
Secretary of State.
Washington..

Sir:—

I have the honor to hand
245. you enclosed, duplicate statement
of the account for Contingent
Expenses for the Quarter Ending
September 30th, 1886.

I have the honor to be,
Sir,
Your Obedient Servant.
Charles Denby

Enclosure
Duplicate statement of above.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

No 246. One enclosure.

Legation of the United States.
Pekin, November 19th, 1886.

Wm Charles Dealy.
to Hon.
Secretary of State
Subject
Enclosing Expenditure
Salary Account
for 3d Quarter 1886.

No 246. One Enclosure.

Legation of the United States.
Peking, November 19th, 1886.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

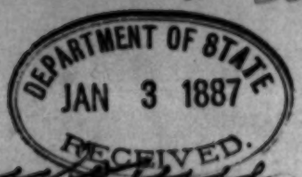
Sir:—

I have the honor to —
246 enclose duplicate statement of
my salary account for the
Quarter ending September 30th, 1886.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

Enclosure.
Duplicate statement as above.

Wm Everett
3



No 247. One enclosure.

Legation of the United States.
Peking, November 19½, 1886.

Wm. Charles Denby
to the
Secretary of State.

Subject

Enclosing duplicate
Post Account for
3d Quarter 1886.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Received

No 248. One enclosure.

Legation of the United States.

Peking, November 19th, 1886.

Wm. Charles Denby.

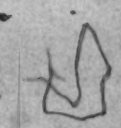
to the

Secretary of State

Subject

Enclosing duplicate account for certain Expenses incurred on tour of inspection to treaty ports.

— -- —



No 248. One enclosure.

Legation of the United States.

Peking, November 19th, 1886.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to

Enclose duplicate statement

248. of the separate account rendered

by me on the 12th of October ultimo

for expenses incurred on my

recent tour of inspection to the

Treaty Ports of China.

I have the honor to be,

Sir,

Your obedient Servant

Charles Denby.

Enclosure

Duplicate Statement as above.

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

No. 249

Mr Everett 4

Legation of the United States

2D ASSISTANT SECRETARY.
Ack by No. + file.
JAN 4 1887

Peking November 20th 1886.

Mr. Denby to the

Secretary of State

Subject.

Death of Mr. Paul Bert

Synopsis.

Death of Mr. Paul Bert at Hanoi, Tonquin, Nov. 13th 1886 and an account of a circular recently issued by him affecting the policy of France in her new possessions.

No. 249.

Legation of the United States.

Peking November 20th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington D. C.

Sir:

I have the honor to inform you of the death at Kwei, Tsingkiang, on the 13th instant, of Mr. Paul Bert, the Resident General of the French Republic in Annam and Tongking.

The Shanghai papers give the substance of a circular, which, it is said,

Mr.

Mr. Bert issued a few days before his death, to the Residents and Vice-Residents, giving them instructions as to their relations with different branches of service both French and native, as well as with the missionaries and people. This circular is important as giving the outlines of the policy which France is adopting in her new possessions.

Alluding to the relations of the Residents with the Catholic Missions, Mr. Bert says "The missionaries "have been our precursors in "Indo-China, and in times

of

"of trouble, the first victims
"of insurrectionary movements.
"They have aided us by
"their information and
"advice. Also the Christian
"populations have been often
"ill-treated and persecuted,
"not only on religious grounds,
"but as the friends of France.
"We ought not to forget the
"debt of thanks we owe them.
"You will not, however, lose
"sight of the fact that the
"guarantees stipulated by
"the treaty of the 15th March
"1874, do not give to the
"Christians a privileged
"position nor do they relieve
"them of any of the obligations
imposed

"imposed on all the subjects
"of the Empire, as well
"towards the King of Annam
"as towards the Protectorate."

Referring to the
Chinese Mr. Bert says
"From a commercial point
"of view the Chinese form
"an element in the population
"which cannot be neglected.
"You will give them all
"facilities, compatible with
"our interests, for their
"establishment in Annam
"and Tongking. In return
"you will require from them
"as much the more correct
"conduct in that the treaty
"of the 6th June 1884 (with Annam)

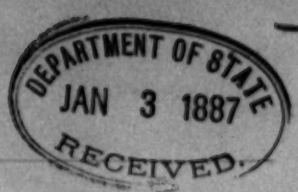
gives

"gives them the benefit of
"Trench Jurisdiction. As far
"as possible you will decide
"questions affecting the Chinese
"with the headmen appointed
"by themselves."

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

file

Mr Everett
3.



No. 250

Legation of the United States.

Peking November 22nd 1886.

Mr. Denby to the

Secretary of State.

Subject.

Acknowledging receipt dispatches

No 250.

Legation of the United States.
Peking November 22nd 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches No 108 of Oct 8th and Nos. 109, 110 and 111 of Oct 12th last.

In further reference to No 111, reporting that my dispatch No 181 has not been received, I have the honor to state that no

dispatch

dispatch bearing that
number was sent by this
Legation, that number
having been passed over
through a clerical error.

I have the honor to be.
Sir.
Your obedient servant,
Charles Denby

Enc Encl X

9

No. 251

One copy to Treasy Dept
One copy to War Dept
One copy to Navy Dept

DEPARTMENT OF STATE
JAN 3 1887
RECEIVED.

Legation of the United States.

Peking November 22nd 1886.

Mr. Denby to the

Secretary of State

Subject.

Forwards Customs Gazette.

No. 251.

Legation of the United States.

Peking November 22nd 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington. D.C.

Sir:

I have the honor to forward to you under seperate cover two copies of the "Customs Gazette" No. LXXI July - September 1886.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

No 252.

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

Rec'd Feb 17

Legation of the United States.

Peking November 24th 1886.

2D ASSISTANT SECRETARY.
Ack by No. + file
JAN 15 1887

Mr. Denby to the

Secretary of State

Subject.

Outbreak in Manchuria.

One enclosure.

No. 252.

Legation of the United States.

Peking November 21st 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to forward to you herewith for your information copy of a dispatch received from our Vice-Consul at Newchwang, reporting what may prove a serious outbreak in Manchuria. 1/252

I hear that the Government here asserts that the

the revolt has been quelled but I have no authoritative information on the subject.

I have the honor to be,

Sir,

Your obedient servant.

Charles Denby

Enclosure

1. Mr. Baudinel to Mr. Denby.

No 168 Nov. 10th 1886.

Copy-

Enclosure 1 in No 252.

Mr. Bandinel to Mr. Denby

No 168 November 10th 1886.

Sir:

I have the honor to report as follows.

A Chinaman named Ma Chen Fang 馬振芳, formerly chief rent collector of Sankolinsin 僧王, but of late years living on his means, has taken up arms against the Chinese authorities and has collected about 8,000 men, of whom rather more than 1000 are said to be mounted Mongols and the others disbanded troops and turbulent characters Chinese Manchu and Mongol.

The Chinese at first sent about 400 troops against him, these were met and defeated by about 200 rebels, after this 800 or more

more troops were sent against him, whom he again defeated this time at the head of about 400 rebels. The greater part of his forces are in or near an open town called Kara tao Chieh 哈爾套街 in which he usually lives and round which he has lately thrown up a mud wall: this town is in the country of the Karchin Mongols and about 40 miles from Fa Kuo Men 法庫門*. He is said to have only a few small field pieces, but his troops are armed with repeating rifles to which their easy victory is attributed.

There seems to be some doubt as to the cause of this revolt; some say it is a personal grievance against some officials who

* Fa-Ku men - is about 75 miles N.N.W of Mukden and S of the Liao ho which passes by the open port of Newchwang. Hsien tao chieh is probably N. of Fa-Ku men (Ch. D)

who put his father to death; others that the officials wished to arrest him for some offence and that having resisted arrest he raised this rebellion. The former story is more generally believed.

The rebel leader is said to be enterprising; he is doing his best to raise a large force and may give much trouble unless the provincial authorities act promptly and decisively. His connection with the Mongols appears the most serious feature in the whole matter.

I telegraphed you in cypher on the 3rd and, on receipt of your reply, in words, on the 4th. "Karchin Mongols revolt, beat troops twice".

Any further news on the subject I will communicate

to

to you as received.

I am, Sir

Your obedient servant,

(signed) J. F. Fredk. Baudine

Fico. Consul

file

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

No. 253.

Legation of the United States.

Peking November 25th 1886.

Mr. Denby to the

Secretary of State.

Subject.

Observance of Thanksgiving

Day at Peking.

No. 253.

Legation of the United States.

Peking November 25th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that the annual gathering of the Americans to celebrate Thanksgiving Day took place at this Legation today. Religious services with sermon were held by Rev. L. H. Pilcher of the Methodist Mission. There were about forty Americans present

present. They were entertained at dinner by me. There was great good-will and patriotic enthusiasm manifested.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

No 254. One inclosure.

2D ASSISTANT SECRETARY.
Sent by Mss. to file.
JAN 15 1887

Legation of the United States
Peking, November 27th, 1886.

Copied for F.R. 87.

Mr. Charles Denby.
to the
Secretary of State.

Subject.

Emperor's Accession

Synopsis.

Endorses certain articles of procedure to be observed at Court.

No 254. One enclosure.

Legation of the United States.

Peking, November 27th, 1886.

Honorable Thomas F Bayard

Secretary of State

Washington.

Sir:— I have the honor to transmit for your perusal, a translation of a memorial presented to the Empress Regent, in accordance with Imperial instructions, by the Ministers of the Grand Council, having relation to certain articles of procedure which are to be adopted by the Court on the accession of the Emperor in February next.

254.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure

Translation of memorial as above.

Enclosure.

Memorial published in the Peking Gazette, November 22nd 1886

Your servants, Shih Ta, Ying Lu Ju Jui, Chang Shih Wen, Hsü Tung Shou, and Sun Yü Wen, on bended knee present a memorial in obedience to a Receipt of Your Majesty the Empress Regent to consider and submit certain articles:-

Looking upward they implore the sacred favour of Your Majesty upon this Memorial carefully prepared by them.

They would humbly state that in the matter of the Emperors accession to the personal authority of Government and the direction issued by Your Majesty the Empress Regent, viz:- year, the Grand Secretariat

and

and their Agents have respectfully
presented joint memorials as to
whether the ancient usages should
be followed by the Court, requesting
Your Majesty to signify Your intentions
thereon. Your Memorialists also
presented copies of the articles formerly
in force for Your Majesty's perusal.
These documents Your Majesty ordered
to be returned, and at the same
time verbally instructed Your
Memorialists to conjointly consider
and submit other articles, setting
forth which of the ancient
usages should be restored, which
should be modified and
which should be temporarily
set aside for the present,
and to await the Imperial
decision thereon.

Your Memorialists have
respectfully

respectfully and thoroughly —
connected and abstract together
and now recently present
the following articles in detail
for the perusal of Your Majesty.

1st. Special Prompts have been
issued by Her Majesty, having
relation to His Majesty the Emperor's
visit to the "Eastern Imperial
Mausolea" to perform sacrificial
Rites, as well as to the religious
ceremonies to be performed
in person by the Emperor at
the altar of Heaven during the
present year. In regard to the
ceremonies to be performed
by His Majesty hereafter, viz: — At
the Imperial College of Antiquity,
the performance of the Agricultural
observances at the Temple of
Agriculture; the meeting of the
academicians

Ceremonies and the duties
at the Palace gate - Your
Memorialists would recently
suggest that all these await
the issuance of special decrees
from the Throne.

2d. It is right that there should
be a distinction made in the
performance of the sacrificial
rites of the second and third
order. When the ceremonies
should be performed by the
Emperor in person, or by deputy.
Your Memorialists propose that
the ancient custom be followed -
the Famen concerned presenting
a Memorial at the proper
period asking for Imperial instructions.

3d The important observances
and mode of receiving
congratulations on the celebration
of

of the anniversary of the birth days of the Empress and Emperor and on New Years day, the ceremonies to be observed at the Winter Solstice, Palace Examinations and Imperial Banquets. You Memorialists propose that all these matters shall be regulated in conformity to ancient custom. The Board of Ceremonies in conjunction with various Yamens presenting a report to the Throne and asking for instructions.

4th. Whenever officials are summoned or admitted to Audience and Her Majesty is present to give instruction to the Emperor, Your Memorialists propose that in accordance with the joint proposition of the Ministers of the Board of Ceremonies, as a temporary Expedient, a Curtain

of gangs to enrich as a screen.

5th. Hsun Memorialists propose that all officials, on duty at Peking or in the provinces, in presenting complimentary memorials to the Empress or Emperor, shall prepare such documents in accordance with the present form. Memorials upon matters of business shall also be correctly prepared in accordance with the form at present in use.

6th. Of late years the changes in the rules that each yamen shall inspect and examine candidates for appointment and present a list of their names to their Majesties the Empress and Emperor and request instructions, as well as the rule

rule temporarily suspending the granting in person, audience of candidates. Your Memorialists propose (shall be abolished and) that in future the old custom be carried into effect and that all officials candidates be presented for audience in person. In this matter Your Memorialists humbly await the decision of Your Majesty. The lists of candidates to be prepared in regular order in accordance with present custom.

7th In the matter of the provincial and metropolitan examinations as well as all matters anent the theses to be given at these examinations according to ancient custom there

must

must await the decision of Her Majesty - You memorialists propose that this custom be continued in practice - the Grand Council presenting the classics to the Empress when Her Majesty will select the page or leaf and then Her Majesty will be asked to name the themes - afterwards these will be submitted for Her Majesty's perusal who will give them forth. There is no need to memorialize the Throne asking that officers be appointed to suggest the themes.

In regard to the subjects for the Manchu Interpreters examination - there will still be arranged by the Han lin officers of the Imperial College of Inscriptions.

Ad

At the Mongolian Examinations and the Examinations for Mongolian Secretaryships, the Grand Council will, in accordance with ancient usage, respectfully submit the subjects for interpretation to Her Majesty.

8th. All memorials presented to the Throne by the officials either at the Capital or in the Provinces which require a Receipt, Your Memorialists propose that the ancient custom be carried into effect and Her Majesty be required to inscribe her reply with the Vermilion pencil. Afterwards the memorials will respectfully be presented to Her Majesty for her perusal before they are sent forth.

9th. According to ancient usage, at

at the Palace Military Examinations, the Board of War present a memorial praying his Majesty to attend the competition Exercises in person. Your memorialists suggest that at the proper period the Emperor be requested (by said Board) to give his orders in regard to this matter.

10th. According to ancient custom when the Board of War memorialize the Emperor requesting the appointment of high officers as Inspectors of Trials a large tablet is furnished written with Manchu characters and red topped and green topped slips, all which are presented to his Majesty who makes the nominations. When the Eight Banner Corps practice on the Tea Caches, a spot

shoved

should be made to Her Majesty on a large tablet. Your Memorialists propose that for the present the regulations now in use having relation to these matters be followed.

11th. In the matter of Her Majesty marking off the names of criminals to be executed, Your Memorialists propose that the rule now in practice be followed.

The above articles are presented by Your Memorialists and they earnestly await the Sacred Decree of Their Majesties the Emperor and Empress upon them and their decision thereon. They will respectfully carry them into effect and communicate them to the Metropolitan and Provincial

provincial authorities to be strictly
observed by them.

A Receipt signed by the
Empress Regent.

"Let action be taken
as proposed.

Respect this"

"China"

No. 5.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	No. OF WORDS	FROM
4 my	Ox	Cn	13	Peking

Received at Washington Nov 29 1886

To Bayard

Have read Seoul if wrong repeat Rockhill leaves at once

2d ASSISTANT SECRETARY.

Denby

Avoid Nov. 29. 86

"Correct" aas

NOV 29 1886

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

No. 255.

Mr Everett
20

Legation of the United States.

2D ASSISTANT SECRETARY.
Copy to Treasury
Jany 19-
acted Jany 19.
JAN 15 1887 Cn Jr.

Peking November 28th 1886.

Mr. Denby to the

Secretary of State.

Subject.

The affect of the decline in silver on the tael value of produce.

(Copied. February. 1887).

No. 255.

Legation of the United States,
Peking November 28th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D. C.

Sir:

The question whether the decline in the value of silver has been accompanied by a proportionate decline in the tael value of produce is one which has been frequently discussed in China. The accompanying tables giving the prices for tea and silk during the

last

last ten years; which I take from an able article recently published in the Shanghai "North China Daily News", would tend to prove that, making fair allowance for fluctuations in the value of these goods in Europe the range of price in China since 1876 has been remarkably steady.

"In examining into "the prices obtained by the "Chinese over a series of years "it must be born in mind "that high prices may have "been obtained in particular "seasons from causes with "which the rate of exchange

and

"and to some extent the
"home demand had little
"to do..... Again, China
"which does not now go to
"one large market whose
"quotations may be taken
"as the sole guide.... There
"are, however, market
"influences, and the state
"of the exchanges between
"China and Europe and
"America only affect them
"to the extent of making
"some purchases here
"practicable or not at a
"particular time." The London
market is the criterion in
black tea, the only side
influence being the Russian

demand

demand which required
the finest teas for which
prices are paid far above
the limits of the London
market.

"The prices of good 4th
"chop Pattlee silk on the
"1st of January during the
"last eleven years have
"been:

"	1876	Hs 330	d. 5/7½
"	1877	520	" 5/7¼
"	1878	400	" 5/6½
"	1879	372½	5/0½
"	1880	380	5/3⅛
"	1881	345	5/1¼
"	1882	420	5/2
"	1883	370	5/1⅛
"	1884	372½	5/3¼

1885

"1885 307½ 4/11 7/8

"1886 360 4/7 5/8

"Down to the year
"1880 the exchange is for
"credits at 6 months and
"once then at 4 months
"eight. It is evident that
"exchange has had no
"general affect on the market
"for silk in China."

An examination
of the tael price paid [for tea]
Kankow at the opening of
the season for eleven
consecutive seasons leads
to the same conclusion.

	Finest to Choice		Common to Fair		Exch.
	Hs.		Hs.		
1876-77	44	@47	13	@18½	5/6¼
1877-78	44	@48	12	@18½	5/6

1879-80

1879-80	48@54	15@17	5/0 3/8
1880-81	42@49	12@14	5/2 5/8
1881-82	48@52	14@16	5/2 1/2
1882-83	45@52	12@13	5/2 1/4
1883-84	48@54	12@14	5/0 7/8
1884-85	46@50	13@15	5/1
1885-86	44@48	14@17	4/11 3/8
1886-87	46@50	13@16	4/7 1/2
1887-88	47@51	14@17	4/7 1/2

"During the first
"five of these years the
"London prices for common
"teas ranged from 7d. to 8d.
"and 9d, but in the last
"five the prices have been from
"5d. to 6d. a pound."

The same paper
shows that the fall in
sterling exchange has not
lowered

lessened the import trade
to China however much
it may have disappointed
and at times injured
the foreign merchant.

"A steady exchange is
"what is required, the writer
"remarks but if that is
"procured by increasing the
"cost of imports we cannot
"but think it will be
"injurious to the import trade
"and probably retard its
"growth."

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

Dep Bureau
15

No. 256.

Legation of the United States.

2D ASSISTANT SECRETARY.
acted upon
Jan 15. 87
JAN 15 1887

Peking November 28th 1886.

Mr. Denby to the
Secretary of State.

Subject.

Confirms telegraphic dispatches of Nov. 26th and Nov. 28th 1886.

One enclosure.

Confidential.

No. 256.

Legation of the United States.

Peking November 28th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your telegraphic dispatch of the 26th instant as follows:

"Denby, Peking

"Send immediately

"one of your Secretaries

"of Legation to Corea

"to act as Charge'

"d'Affaires in the absence

of

"of Foulk

Bayard."

As no code number had been previously agreed upon between the Department and this Legation in using the spelling code I assumed that the last group of five letters in the dispatch was "Foulk" and working it back in the table I found a code number 49270 by the aid of which I interpreted the other group "Coud". Not feeling sure of the interpretation given I telegraphed to you as follows: "Bayard, Washington,

* See below

Have

"Have read Seoul (to Secretary)
"if wrong repeat.
"Rockhill leaves at
"once,
Denby"

I would be obliged if you would inform the Legation whether the code number for the spelling code is 49270.

On receipt of your instruction I gave Mr. Rockhill the enclosed orders and he will leave here for Corea the day after tomorrow.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure.
1. Mr. Denby to Mr. Rockhill
M. 68/1886 November 28th 1886.

Copy- Enclosure 1 in No. 256.

Mr. Denby to Mr. Rockhill.

No. M 68/1886 Nov. 28th 1886

Sir:

I have this day received from the Honorable Secretary of State the following telegraphic dispatch:-

"Washington, 26/11 1886.

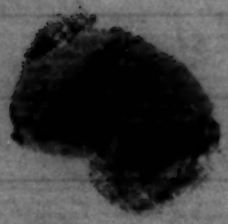
"Denby, Peking.

Send immediately "one of your Secretaries "of Legation to Corea to "act as Chargé d'Affaires "in the absence of Foulk, Bayard."

You are, therefore, directed to proceed immediately to Seoul to there discharge, until you receive further orders, the duties of Chargé d'Affaires ad int.

I am etc etc

(signed) Charles Denby



Copies for F.R. 1887.

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

L
2

No. 257.

Wm Everett
17

Legation of the United States.

2D ASSISTANT SECRETARY.
To Committees - Sen + House.
ack'd January 17, 1887
JAN 15 1887

Peking December 1st 1886.
Jany 19. 1887.
cust Cr.

Mr. Denby to the
Secretary of State.

Subject.

Recommends again that
the Interpreter of this Legation
be designated "Chinese Secretary"

No. 257.

Legation of the United States.

Peking December 1st 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I beg leave to renew the recommendation made by me in my dispatch No. 13, of date October 11th 1885, that the appellation and rank of "Chinese Secretary" be conferred on the Interpreter of this Legation. I am aware that little importance is attached in the United States

to

to titles or matters of rank.
But I must take things
as I find them at my
post of duty. Here all
ceremonial, social as well
as official is regulated
by rank. A man without
diplomatic rank goes to the
lowest place on all
occasions. A line in the
Statutes providing that the
Interpreter shall be designated
as Chinese Secretary and
shall be treated as, and
held to be one of the Secretaries
of the Legation would be
all that is necessary.

I think that the
Tsung-li Yamên and other
boards —

boards and officials would accord more respect to an official designated as a Chinese Secretary than to an Interpreter. Interpreters have no rank whatever and are treated altogether as subordinates. The duties to be performed by them are delicate and important. The Chinese Secretaries of the other Legations often visit the Tsungli Yamên in place of the Ministers and present diplomatic questions. Such an officer should have a distinctive diplomatic rank so as to ensure for him all possible consideration. I

desire

desire simply to place the Interpreter of this Legation on a par with those of the other great Treaty Powers.

I have the honor to be

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

No 258. One Enclosure

2D ASSISTANT SECRETARY.
Ack by No. & file.
JAN 15 1887

Legation of the United States.
Peking, December 1st 2d, 1886.

Mr. Charles Denby
to the
Secretary of State

Subject
Great Britain and Burmah.

Synopsis.
Encloses English text of Convention between England and China concerning Burmah.

No 258. One enclosure.

Legation of the United States
Peking, ~~November 30th~~ December 1st, 1886.

Honorable Thomas F. Bayard.
Secretary of State
Washington

Sir:—

Adverting to my despatch No 205, of date the 4th of September 1886, I have now the honor to enclose for your information the English text of the convention between Great Britain and China relating to Burmah and Thibet, signed at Peking July 24th, 1886.

1/258

You will observe that the main features of the convention in no way differ materially from those communicated to you in my despatch above alluded to

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby.

Enclosure

English text of Convention as above

English Text of Convention between Great Britain and China relating to Burmah and Tibet. Signed at Pekin, July 24, 1886.

Whereas Her Majesty the Queen of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, being sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires, and to promote and extend the commercial intercourse between their subjects and dominions, the following Convention has been agreed upon and concluded :—

On the part of Great Britain, Sir Nicholas Roderick O'Conor, Esquire, Her Majesty's Secretary of Legation at Washington, and lately Her Majesty's Chargé d'Affaires in China, Companion of the Most Distinguished Order of St. Michael and St. George, duly empowered thereunto ;

And on the part of China, His Highness Prince Ch'ing, President of the Tsung-li Yamen, and his Excellency Sun, Minister of the Tsung-li Yamen, Senior Vice-President of the Board of Works.

ARTICLE I.

Inasmuch as it has been the practice of Burmah to send decennial missions to present articles of local produce, England agrees that the local authority in Burmah shall send the customary decennial missions, the members of the missions to be of Burmese

ARTICLE II.

China agrees that all rights whatsoever appertaining to the authority which England is now exercising in Burmah, shall be free to do whatever she deems fit and proper

ARTICLE III.

The frontier between Burmah and China to be marked by a Delimitation Commission, and the conditions of frontier trade to be regulated by a Frontier Trade Convention, both countries undertaking to protect and encourage trade between China

ARTICLE IV.

Inasmuch as in consequence of circumstances by the Chinese Government the existence of many obstacles to the trade with Tibet provided for in the Separate Article of the Agreement, England consents to countermand

With regard to the request of the British Government to consider arrangements for frontier trade between India and Tibet, it will be the duty of the Chinese Government, after careful inquiry into the circumstances, to adopt measures to support and encourage the people with a view to the promotion and development of trade. Should it be practicable, the Chinese Government shall then proceed carefully to consider trade regulations ; but, if insuperable obstacles should be found to exist, the British Government will not press the matter unduly.

ARTICLE V.

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same and affixed thereunto their seals of their arms.

Done in triplicate at Pekin this 24th day of July, in the year of our Lord, 1886, corresponding with the Chinese date the 23d day of the sixth moon of the 12th year of Kuang Hsü.

NICHOLAS RODERICK O'CONOR.
CH'ING.
SUN YU-WÊN.

file

DEPARTMENT OF STATE
JAN 15 1887
RECEIVED.

No. 259.

Mr Everett
15

Legation of the United States.

Peking December 1st 1886.

Mr. Denby to the

Secretary of State

Subject.

Confirms telegram received.

No. 259.

Legation of the United States.

Peking. December 1st 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington. D. C.

Sir:

I have the honor to acknowledge the receipt of your telegraphic despatch of Nov. 29th as follows:

"Denby, Peking.

"Correct.

Bayard."

I have the honor to be,

Sir

Your obedient Servant,

Charles Denby

Mr Everett

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

Copies for F.R. 1887

No 260. One enclosure.

2D ASSISTANT SECRETARY.
Relief presentation of question transmitted
Jan 22 '87
JAN 21 1887 Coggeshall

Legation of the United States
Peking, December 2d, 1886.

W. Charles Denby

to the

Secretary of State

Subject

Likin Tax on Formosa Camphor

Synopsis

Transmits despatch to Tsung li Yamen regarding same, and points out injustice of the levying of the said tax.

No 260. One Enclosure

Legation of the United States.
Peking December 2d 1886.

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

I have the honor to report that American merchants doing business at the ports of Takow and Tamsui in Formosa, have presented me the following question through the Consul at Amoy.

It seems that the local authorities in Formosa levied an enormous likin tax on native produce. The people refused to pay the tax and threatened to discontinue planting. The Authorities then concluded to collect this tax from the foreign merchants after the produce (in this case Sugar) had reached the Godowns of the merchants. The foreign merchants refused to pay

pay this tax on the ground that it was really an Export tax and contrary to the Treaties.

I have presented this question to the Tsungli Yamên fully as you will see by a copy of my communication which is herewith enclosed. 1/2

I will communicate the answer when the same is received.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure.

Copy of communication addressed by Mr. Denby to the Tsungli Yamên as above. dated December 2d. 1886.

No 24/1886. Enclosure.

Legation of the United States
Peking, December 2d. 1886.

Mr. Denby to the Foreign Office.

Y + H and Y Ex:

Imperial Highness and Your Excellencies=

I have the honor to inform Y + H and Y Ex. that a question of some importance has been presented to me by american merchants doing business in Formosa, through the United States Consul at Tamsui.

I beg leave to state the same to Y + H and Y Ex. and most respectfully to ask your interposition in order that justice may be done.

The treaty of 1858 between China and the United States fixes an export duty on sugar as follows:—

sugar brown per 100 cattis 1 mace 2 candareens.
" white . . " 2 " 0 .

The treaty provides that this tariff "shall henceforth and until

duty

duty allowed under the provisions of treaties to be in force at the ports and places open to commerce."

If the foreign merchant brings native produce down from the interior under transit pass he pays one half duty, which payment exempt the goods from all charges en route. But if he buys the goods in the open ports from the producer, he has to pay only the export duty.

Now it happens that in the Island of Formosa the local authorities imposed a likin tax on all produce amounting, I am informed, to from ten to fifteen per cent on the value of each article.

The collection of this enormous tax was resisted by the producers who refused to pay it and threatened to discontinue planting

if

if it were insisted. The local authorities then abandoned the collection of this tax in the interior and concluded to collect it at the port of shipment from foreigners. For that purpose they established Likin stations at the port of Takow and Anping (port of Tainanfu). The collection of such a tax was justly regarded by the foreign merchants as the imposition of a new export duty. It seems that the British Consul - who is also Consular Agent of the United States - W. Watson, has arranged with the local authorities that until the final decision of the high Authorities at Peking on the legality of this tax, the goods might be shipped by giving bond guaranteeing the payment of the tax should it be decided

That

that such a law could be enforced within the limits of a treaty port. If the local authorities for any reason find themselves unable to collect likin on the produce while it is en route, this inability furnishes no reason why the foreign merchant, after he has bought the goods and has them in his godowns, should pay this tax.

If it is competent for the local authorities to levy what likin they please, it becomes nearly impossible for the foreign merchants to do business at all. If he is liable to pay this tax he would never know how much his goods would cost him.

I am informed that the likin tax levied in Formosa is for white sugar $0.1, 40 cents per basket of 132 lbs, and for brown sugar $0.1, 20 cents per basket

basket of 132 lbs - taxes on Nos 2 and 3 are proportionately large. Since the bond system was agreed on, the taxes have been largely increased - There is no means of knowing to what amount the tax may be further increased - This uncertainty is very detrimental to trade.

The sugar season is now about to open and it is important that the question of the liability of the foreign merchants to pay taxes on sugar in the two ports should be settled.

I therefore submit the whole question to Y & K and W Ex: hoping that you will do justice in the premises -

I respectfully request Your Imperial Highness and Your Excellencies

Excellency to make an order that native products which have been bought by the foreign merchants shall duly be required to pay the regular export duty and shall not be required to pay likin taxes.

I have the honor to be

" " "

(Signed) Charles Denby.

Gen. Porter thinks the plan is not practicable. Consular letter

No. 361 Quarterly Report to Dept. of State

Please send Mr Denby's Report to Minister Foster

Send 7 July 18 copies

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

Copies of important despatches to Minister Legation of the United States.

Peking December 2nd 1886.

Mr. Denby to the

Secretary of State

Subject.

Quarterly "Intelligence Reports" requested from the Consuls.

One enclosure.

No. 261.

Legation of the United States.
Peking December 2nd 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D.C.

Sir:

I have the honor to report that experience has satisfied me that there is not sufficient or proper cooperation between the Consuls and this Legation. Under the present system I receive nothing from the Consuls except a monthly index of letters sent and

received

received. Occasionally I get from some of these dispatches containing information as to the happening of events in their localities. From some I get nothing. I have, therefore, inaugurated, subject to your approval, one important improvement. I have sent a circular letter to the Consuls, of which I enclose a copy, requesting them to send me at the end of every quarter an "Intelligence Report". These reports would furnish this Legation an epitome of the current history of China and their contents could be communicated to the

1/261

the Department by me when necessary.

I have the honor to be,

Sir,

Your obedient servant,

- Charles Denby.

Enclosure

1. Mr Denby to the U.S. Consuls - Circular Dec. 2nd 1886.

Enclosure 1 in No. 261.

Circular to the Consuls.

December 2nd 1886

Sir:

My personal acquaintance with the able and accomplished gentlemen of the Consulates induces me to believe that they will cheerfully cooperate with me in any plan designed to produce more efficiency in the service. It is known that the only regular communications of the Consuls to the Legation are monthly Indices of Letters sent and received. It rarely happens that any use is made of these abstracts. It seems to me that the Consuls should at stated intervals communicate to the Legation accurate information

on

on all matter relating to the public interest.

I therefore request the Consuls to prepare and send to this Legation at the end of each and every Quarter, commencing the last of March 1887, an "Intelligence Report."

This Report should include an account of any public event of importance such as mobs, insurrections, emeutes any change in trade regulations, the inauguration of Rail Roads, mining or industrial ventures, changes of officials, changes affecting imports or exports, suggestions for increasing our trade, the sentiment of the Chinese towards Americans, treatment

of

of missionaries, the operation of the navigation laws, new postal regulations, the general trade of the Port, overflows, in fact any subject coming within the purview of proper information or suggesting or requiring Diplomatic action. It is designed that these reports should be brief and should not be simply statistical. They would in a series of years furnish a valuable epitome of the current history of China as faras it touches American interests.

Their contents will be communicated to the Department with proper credit to each Consul.

I have communicated this

this plan to the
Secretary of State and
am confident that it will
meet with his approval.

I have, etc.

(signed) Charles Denby

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

Sent to F.R. 1887

No 262.

2D ASSISTANT SECRETARY
Ack by tel. & filed.
JAN 21 1887

Legation of the United States.
Peking December 4th, 1886.

Mr. Charles Denby.
to the
Secretary of State
Subject.

Mr. Denby announces
the return to China
of Tsangsin Hung
late Chinese Minister
to England and
Russia.

— -- —

Confidential.

No 262.

Legation of the United States.
Peking, December 4th, 1886.

Honorable Thomas F. Bayard,
Secretary of State
Washington.

Sir:—

I have the honor to inform the Department of the return of Marquis Tseng from the Capitals of England and Russia where he has been accredited as Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of China, since 1878. His return is a matter of some interest to foreign residents in China, as he is perhaps the most progressive and influential Minister that has ever represented China abroad.

The Marquis Tseng is the son of the late Tseng Kuo fan, the most

most celebratik among most
Chinese statesmen; and one who
was much revered by the Chinese
for the virtues and patriotism
believed to actuate his official
conduct.

Possessing many of the admirable
traits of his father, and belonging
to a well known official family,
it is believed by many that the
Marquis will be in a better
position than others who have
held similar diplomatic ~~positions~~ posts,
to impress on the Chinese bureaucracy,
the advantages which will accrue
to China by the adoption of
western improvements and civilization.
Though this may be the case, it is
to be feared however that, where
it is not universally known
among the Ever conservative official
element that pervade the capitol,

omit *

that

that the Marquis has for the last
eight years, made himself at home
amidst manners and customs
which to the Chinese of the old
school seem little less than subversion
of the foundations of morality and
good order, all efforts on his part
in the line of progress may,
on this account be neutralized.
His mission in Europe has not
been the easiest in the gift of
the Emperor. He has had a difficult
role to play, particularly in matters
having relation to the late complications
between France and China; he seems
to have grasped the situation and
in many cases acted on his own
views (which may be regarded
as exceptional to one whom the
intimating devices of European
diplomacy must in a measure
have been a sealed book.)
To his credit, it may be said
that,

that his mission abroad has been a success, and it is to be hoped that ~~(that)~~ his efforts to serve his country at home may be equally successful.

The Marquis is at present in Shanghai, where he has spent some time in inspecting the forts there. He is expected in Peking shortly. His present official positions are, Vice President of the Board of War, and Assistant Lord of the Admiralty.

I have the honor to be
Sir,
Your Obedient Servant,
Charles Denby

Copies for F.R. 1887.

Copy to Com. F.A. Hinman Feby 15.

Copy to Com. F.R. Lowe Feby 15.

Copy to Com. Feby 15. 87 Cridler.

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No. 263.

Legation of the United States.

Peking December 4th 1886.

Mr. Denby to the

Secretary of State.

Subject.

American citizens and the opium trade.



One enclosure.

No. 263.

Legation of the United States.

Peking December 11th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that the Consul-General has submitted to me the following question:

"Is the storage of
"opium by an American
"firm forbidden under Art.
"II of the Treaty of 1880?"

I have declined to answer this question specifically

specifically, but I have held that under the facts communicated to me Messrs Russell & Co were acting contrary to the Treaty.

I enclose herewith a copy of my answer which I submit to you for your approval.

1/263

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Mr. Denby to Mr. Kennedy No 51 Dec. 4th 1886.

Enclosure 1 in No

Mr. Denby to Mr. Kennedy.

No. 51. Dec. 4th 1886.

Sir:

I have the honor to acknowledge the receipt of your dispatch No. 20 of date November 26th 1886. In the absence of any statute construing or enforcing the second article of the treaty of 1880 it is very difficult to define accurately what acts are prohibited to be done by citizens of the United States. In a communication to Congress of date May 19th 1886 the Honorable Secretary of State uses this language:

"The intent of the treaty "is clear that no American "citizen in China shall engage "in or knowingly aid others "to carry on the opium traffic".

I shall not undertake

to

to answer specifically the question put, "Is the storage "of opium by an American "firm forbidden under "Article 2nd of the Treaty "of 1880?"

In advance of Congressional Legislation it would not be proper for me to declare what acts are prohibited. It is sufficient to decide questions based on actual facts existing and communicated to me.

The facts admitted here are that Mr. Craig, an Englishman in the employment of Messrs Remfry & Co, deals in opium. He stores it in their go-down and he pays them "a commission "for its storage." Without deciding whether storage of opium by an American under all circumstances

is

is prohibited, I incline to the opinion that storage in a warehouse owned kept and used by an American to carry on his own business is prohibited. Should I sustain the view that Messrs Russell & Co take of the Treaty I would be practically deciding that every American in China can lawfully fill his warehouse with opium on storage, take care of it and protect it, insure it, maintain an action for its possession and do every act relating to it that any warehouseman may do.

It seems to me that such a state of things would be contrary to the treaty. It is true that storing an article is not literally importing it buying selling or

transporting

transporting it. But there would be neither buying selling importing nor transporting an article unless it could be stored for safe keeping. The greater must be taken to include the less.

Let it be distinctly understood that I do not intimate that An American may not lawfully lease a portion of his go-down, or that the lessee may not carry on any business therein which is not prohibited by the laws of China or by International Law. What I hold is that An American may not use his go-down, which he owns and occupies for the transaction of his own business, for the purpose of storing opium therein.

Your second question is

"In the receipt of commissions
"for such storage an infraction
"of Article II!"

The receipt of pay
for storage would neither
add to nor take from the act
itself its illegal character.
If the opium were stored
gratuitously the act would
still be unlawful. The violator
of law cannot shield himself
against the consequences of
an illegal act by the plea
that he did it without
reward. If pay is charged
for storage it is a circumstance
tending to characterize the
transaction as an ordinary
matter of business.

You will please
send a copy of this dispatch
to the U.S. Consul at Foochow
and communicate its contents
to Messrs Russell & Co. I am
satisfied that this distinguished

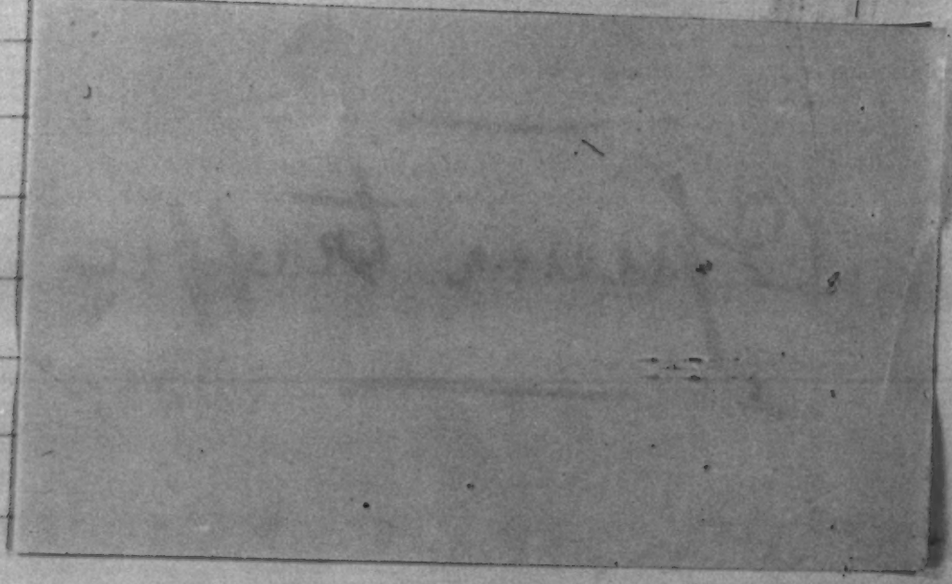
and

and Honorable Firm had no intention to knowingly do any act contrary to the Treaty. They have construed its Terms strictly while I have looked at its true intent and meaning.

The whole matter will be communicated to the Hon. Secty. of State for his decision.

I am Sir &c

(signed) Charles Denby



49TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1621.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 22, 1886.—Ordered to be printed.

Mr. EDMUNDS, from the Committee on Foreign Relations, submitted the following

REPORT:

[To accompany bill S. 3044.]

The Committee of the Senate on Foreign Relations, to which was referred so much of the late message of the President as relates to foreign affairs, respectfully reports on the subject of the as yet unexecuted provisions of article 2 of the treaty concluded between the United States and the Emperor of China on the 17th day of November, 1880, and proclaimed on the 5th day of October, 1881.

This article is in the following words:

ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored-nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

It will be seen from this article that the two Governments undertook, without any limitation or qualification whatever, to repress the importation into the United States by Chinese subjects and the importation by citizens of the United States of opium into any of the open ports of China, or its transportation from one open port to another, or the buying and sale of opium in any of such open ports, &c.

It is well known that the opium traffic in China is one of the greatest social evils with which that Government has to contend, and that its action in endeavoring to repress it is greatly embarrassed by the circumstance that Hong-Kong, which is for all practical, geographical, and commercial purposes a port of China, is under complete and exclusive British jurisdiction, and that the existing state of the relations between China and Great Britain is such that it appears at present impracticable for the Government of China to repress the opium traffic from Hong-Kong into the Empire. It thus becomes the more important that the United States, holding friendly and intimate commercial relations with China, and wishing for it the development of its trade, its social autonomy, and success in the desire of its Government to extirpate

the enormous social evil of the misuse of opium, to do everything in its power to assist the Government of China in so good a work, and especially to fulfill to the utmost the engagements on the subject into which our Government has solemnly and sincerely entered. The committee, therefore, earnestly recommend that the accompanying bill be passed at the earliest practicable time. It will be seen that the bill is framed with a view to the strict fulfillment of article 2 of the treaty referred to, and does not undertake to do any other or different thing than to carry out in good faith the stipulations of our country on the subject.

It may be desirable to state in this report what are now, under the treaties between the United States and China, the ports that are open to our vessels. By the treaty of 1844, negotiated by Mr. Cushing (Vol. of Treaties, p. 131, article 3), five free or open ports are provided for, viz, Kwang-Chow, Amoy, Fuchow, Ningpo, and Shanghai. And the same treaty provided, in its seventeenth article (p. 135), that citizens of the United States should have the right to obtain houses, places of business, &c., at those ports.

By article 21 of the same treaty it was provided that citizens of the United States committing crimes in China should be dealt with only by the authorities of the United States (p. 136); but by that treaty it was provided (article 33, p. 139) that citizens of the United States who should trade in opium, or any other contraband article of merchandise, should be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States.

By the treaty of 1858, negotiated by Mr. Reed (Vol. of Treaties, p. 145), it was provided (Article XI, p. 148) that citizens of the United States committing any "improper"—*i. e.*, illegal—act in China should be punished only by the authorized officials of the United States and according to their law, and that arrests in order to trial might be made by the authorities of either country. This provision in this latter treaty may perhaps be fairly considered as superseding the provisions in the treaty of 1844 remitting to the jurisdiction of the Chinese authorities the violators of the opium laws of the Empire, although, as the former provision was special in regard to one topic, it may not be clear that the later provision just referred to would supersede or repeal the former special one. The twelfth article of the same treaty of 1858 (p. 148) again provides for citizens of the United States acquiring by lease, &c., houses and places of business, hospitals, churches, &c., and for their protection.

The fourteenth article of the same treaty states that "the open ports which the citizens of the United States should be permitted to frequent are the ports and cities of Canton, Chau-Chau, or Swatow, in the province of Guangtun; Amoy, Fuh-Chu, and Tai-Wan, in Formosa, in the province of Fuh-Kien; Ningpo, in the province of Cheh-Kiang; and Shanghai, in the province of Kiang-Su, and any other port or places hereafter by treaty with other powers or with the United States open to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coast thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States."

Thus it will be seen that by the treaty of 1858, as well as by the preceding treaties of 1844, citizens of the United States violating the laws of China in regard to prohibited traffic are subject to the sole jurisdiction of the Chinese courts and authorities for trial and punishment, just as is the case in the United States in respect of every offense against its laws, and as is the case in respect of all the principal and civilized nations of the globe.

The treaty of 1868, negotiated by Mr. Burlingame (Vol. of Treaties, p. 165), does not appear to contain any provisions changing the status of the matters hereinbefore stated.

The treaty concluded November 17, 1880, by Messrs. Angell, Swift, and Trescott (Stats. at Large, Vol. 22, p. 828), contains the article at the opening of this report, and contains no provision other than that article touching the special subject now under consideration.

In respect of the punishment for the violation of the second article of this last treaty, it may be open to consideration whether the provision for compelling observance of that article withdraws from the ordinary and natural jurisdiction of China the punishment for offenses committed by citizens of the United States against its laws; for the only provision in that article touching its enforcement is in the following words: That its prohibitions "shall be enforced by proper legislation on the part of China and the United States."

Without the provisions in the preceding treaties, which have seemed to come at last to the point of leaving it to be the right and duty of the United States to punish its own citizens for the violations of the laws of China in respect of the subjects mentioned in the various treaties, it would not be easy to maintain that by this latter treaty citizens of the United States committing in China offenses against its laws and regulations should be brought to justice only through and under the judicial authority of our own country. If this inference should be asserted in favor of the United States on the second article of this last treaty, it apparently could be equally asserted on the part of the Empire of China in respect of its own subjects, for the language of this article is in this respect perfectly identical and equal as to both parties. Assuming, however, that the Government of China is willing to trust the United States to compel obedience on the part of our own citizens to these treaty stipulations, and withdraw her natural jurisdiction over such offenses, it only adds to the urgency of our own Government providing for the trial and punishment of our citizens offending against the provisions of this treaty. It seems, therefore, to the committee that this is a case in which it is the bounden duty of our own Government to proceed with diligence to provide for the actions referred to, and to show by positive and effective legislation that it intends to keep to the utmost its obligations created by treaty stipulations. All of which is respectfully submitted.

GEO. F. EDMUNDS,
For the Committee.

O

[Calendar No., 1899.

49TH CONGRESS,
2D SESSION.

S. 3044.

[Report No. 1621.]

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 1886.

Mr. EDMUNDS, from the Committee on Foreign Relations, submitted a report (No. 1621) accompanied by the following bill; which was read the first and second times by unanimous consent.

A BILL

To provide for the execution of the provisions of article two of the treaty concluded between the United States of America and the Emperor of China on the seventeenth day of November, eighteen hundred and eighty, and proclaimed by the President of the United States on the fifth day of October, eighteen hundred and eighty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited. Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months

nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

SEC. 3. That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by

both such punishments, in the discretion of the court. The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law.

Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China.

49TH CONGRESS, 2D SESSION. S. 3044.

[Report No. 1621.]

A BILL

To provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881.

1886—DECEMBER 22.—Read the first and second times by unanimous consent.

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No. 264.

Mr Everett
+ Dft Clark

Legation of the United States.

Peking December 6th 1886.

Mr. Denby to the noted in Consular Bureau

Secretary of State.

Subject.

The Chefoo Consulate.

No. 264.

Legation of the United States,
Peking December 6th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to report that Mr. A.R. Platt, Consul at Chefoo, has, owing to extreme ill-health, gone to Shanghai to be treated.

Mr. F.C.B. Bristow, H.B.M's Consul at Chefoo, is, by consent of H.B.M's Minister temporarily discharging the duties

duties of Consul of the
United States.

Mr. Platt will return
to Chefoo as soon as he is
able.

I have the honor to be,
Sir;
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No 265.

W. Everitt

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by No. & file.
JAN 21 1887

Peking December 6th 1886.

Mr. Denby to the

Secretary of State.

Subject.

Relations between the United States and China.

One enclosure.

No. 265.

Legation of the United States.

Peking December 6th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington D. C.

Sir:

I have the honor to enclose herewith for your information a clipping from the Shanghai "Courier" of the 2nd instant. It relates to the discussion engendered in some of the leading papers of the United States by the suggestion made in my despatch No. 169 of the 16th July

1/265

July 1886 that the outrages
in Chungking and Kuai
Ping "grew, as all our
"evils in China do, out of
"troubles in America".

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

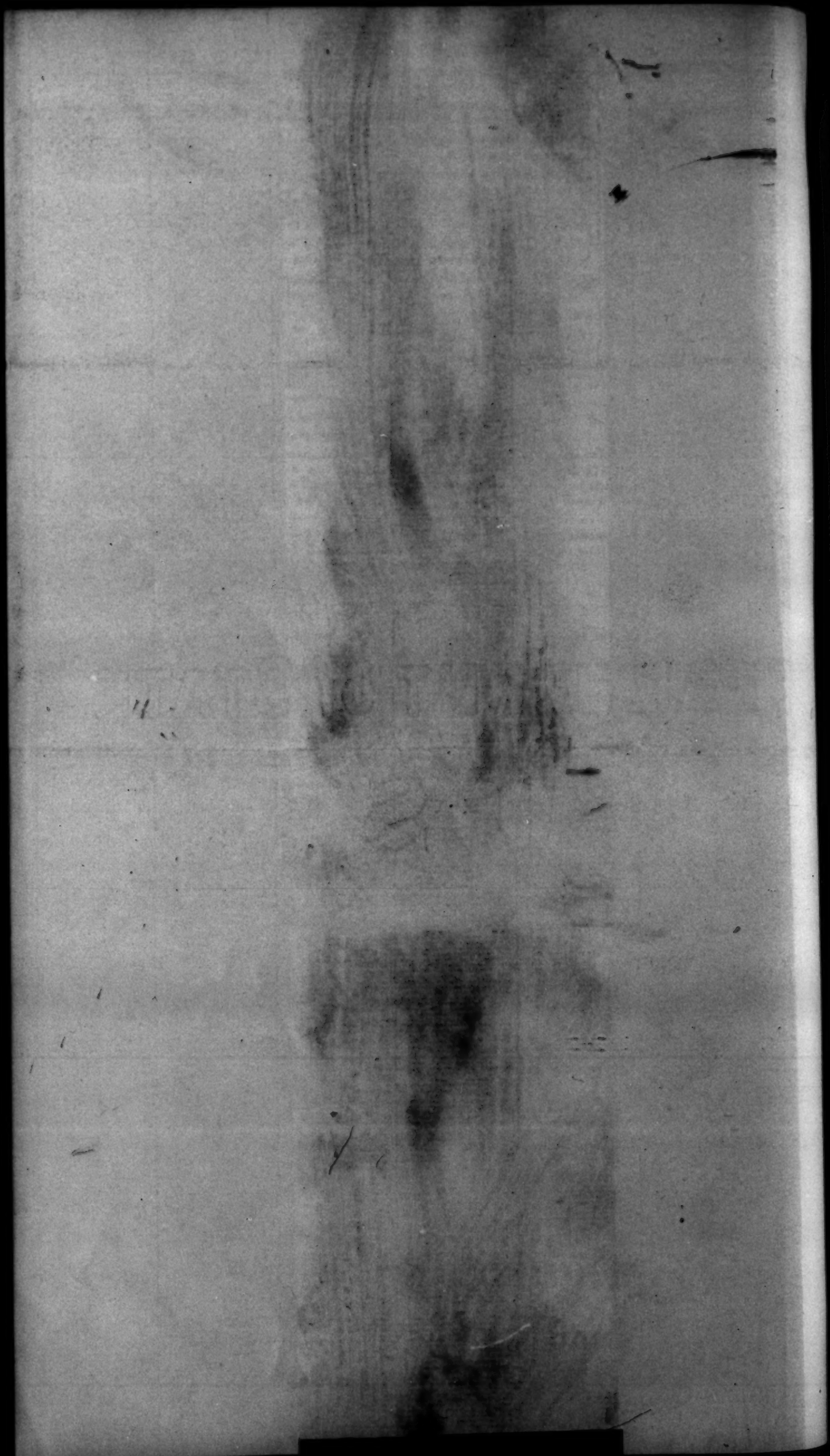
Enclosure
1. Shanghai "Courier" Dec 2nd
1886 - Editorial "The Relations
between the United States
and China"

Enclosure
1 in No. 265.

THE RELATIONS BETWEEN THE UNITED STATES AND CHINA.

Considerable discussion has taken place of late in some of the leading American papers, with reference to the relations which exist between the United States and China. The recent outrages against American missionaries in China have been the immediate cause of these discussions, and have given rise to severe comment regarding the apparent lax attitude of the Chinese officials, as well as the course taken by the Hon. C. Denby, U. S. Minister to China. The statement credited to him that certain outrages upon Americans in China, "grew, as all our evils in China do, out of troubles in America" seems plausible, to say the least, yet the Hon. Mr. Denby has been severely criticised on account of the statement, and attempts have been made to make it appear ridiculous, the critics even asserting that "not one in a thousand in the streets of Shanghai have ever heard of the United States, the Restriction Acts, or the Presidential veto." It is to be presumed, however, that the American representative in China has far better and more direct and reliable information on which to base his official statements, than his critics have in the distant home country, and who, in many of their statements, betray great ignorance regarding the true state of affairs in the Middle Kingdom. The Chinese are certainly not as ill informed as to the existence of the "United States, the Restriction Acts or the Presidential veto," or, we may add, with regard to the treatment their countrymen receive in the United States, as the gentlemen in America would have us believe. Not very long ago we noticed in a report, coming from the pen of an officer of the United States navy, that he found "Canton and all that province in a ferment over the outrages on Chinese in America. The streets and highways were [illegible] story of the events, and [illegible] but all residents in the foreign [illegible] city were subjected to insult [illegible] in constant fear of being mu[illegible] retaliation, which fear was allayed [illegible] presence of an American naval [illegible]

Of course no one will claim that attacks made on Americans in China, in retaliation for wrongs inflicted on their countrymen in America, places the Chinese character in a favourable light, but the fact nevertheless remains, that such revenge has been taken and is not at all unlikely to be repeated sooner or later, and therefore it is folly to try and believe that crimes inflicted upon Chinese in America have no relation or bearing on the safety of American citizens residing in China. Minister Denby's recent visit to Canton, which resulted in an interview and the exchange of courtesies between himself and the Viceroy (the first time the Viceroy [illegible] exchanged calls with foreigners) [illegible] benefit to the foreign resi[illegible]ce, and resulted in the [illegible] figure should not have [illegible] this part of the [illegible] Minister [illegible]erefore, to be congratulated [illegible] in this matter, if for nothing else.



DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

Dip

Annex. 22 Jan. 87 ✓
No. 266. Draft a à à.

Legation of the United States.
Peking December 8th 1886.

Mr. Denby to the
Secretary of State.

Subject.
Li Hung Chang's gratification at the retirement of Mr. Foulk from Corea.

No. 266

Legation of the United States,
Peking, December 8th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington D.C.

Sir:

I have the honor to report that Li Hung Chang, as I learn privately, expressed his great gratification at the retirement of Mr. Foulk from Corea. He says that Mr. Foulk incessantly urged on the King the necessity of maintaining his independence of China. Mr. Denny is unpopular

unpopular with the Chinese for the same reason. The Viceroy privately expresses the opinion that Corea should be a Province of China.

In this connection I would like to learn, as soon as possible how long will be the absence of Mr. Rockhill, and whether, in case his absence is extended, the Department will authorize the employment of a clerk at this Legation to do copying.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

File

Mr Everitt

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No. 267.

2D ASSISTANT SECRETARY.
Ack by Sec. + file
JAN 21 1887

Legation of the United States
Peking December 8th 1886

Mr. Denby to the
Secretary of State

Subject
Vacation of the grounds of
the Peitang Cathedral.

Synopsis.
Vacation of the grounds of the
Peitang Cathedral by the
French. Decree of the Empress
confirming rewards.

No. 267.

Legation of the United States.

Peking December 8th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to report that the Petang Cathedral is to be removed to another part of the City.

This is the sequel of the bestowal on the French of the contract to complete the defences of Port Arthur. It furnishes the real consideration for that contract.

The

The location of this Cathedral, commanding the Imperial pleasure grounds, has long been an eye sore to the Chinese. The Empress, contemplating retirement, desires the ground occupied by the Cathedral and its appurtenances to be incorporated into a residence for herself. The Imperial decree announcing the result of the negotiations states:

"The Cathedral at
"Nan Chih Kou, inside
"of the Si An gate, was
"erected in the reign of
"Kang Hsi by permission
"given forth in a decree.

Now

"From that time up to
"the present a period
"of over one hundred
"and several tens of
"years has elapsed. The
"missionaries have received
"due protection and the
"greatest kindness from
"the Court. This is
"universally known and
"they have quietly and
"peacably carried on
"their religious work
"in due observance of
"the law."

Li Hung Chang
procured an Englishman,
named Duncan, and a French
Priest, Father Javier, to go to
Rome

Rome, and procure the Pope's consent to the change of location.

In exchange the Missionaries are to have a site in the northern part of the city. The Imperial Government is to be at the expense of rebuilding. The new building shall not exceed fifty Chinese feet in height (1 Chinese ft. = 14.1 Eng. inches). The bell tower shall be no higher than the roof of the main building.

The decree proceeds to state:

"After concluding this "agreement Father Favier proceeded

"proceeded to Rome
"and laid the matter
"before the Chias Kui,
"Tsung Tsung (Friar
"Apostolic (?)) named
"Fiali (?). In his reply
"he said he was
"exceedingly gratified
"for the sincerity of
"purpose expressed by
"the Court of China to
"give to the missionaries
"in the Emperor's
"dominions due protection
"and to express the
"gratification he felt
"that the missionaries
"were displaying the
"endowments given them
by

"by Heaven with a view
"to being recompensed
"but little.
"The expression of
"these sentiments the
"regard as being very
"earnest and sincere."

The Empress overflows with gratitude. She particularly mentions every person who has aided the enterprise and orders appropriate rewards to be given to each.

She promotes the various Chinese officials. She gives to the Catholic Bishop the button of the second grade, to Abbé Favier the button of the third grade

and

and to the Englishman,
Dunn, Rs 2000 and the
first class of the third
order of the Double Dragon,
to Mr. Detring, Commissioner
of Customs at Tientsin the
button of the second grade,
to the French Consul at
Tientsin the third class of
the second order of the
Double Dragon. Other persons
are to be suitably rewarded.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

file

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No. 268

Mr Everett
21

Legation of the United States.

Peking December 8th 1886.

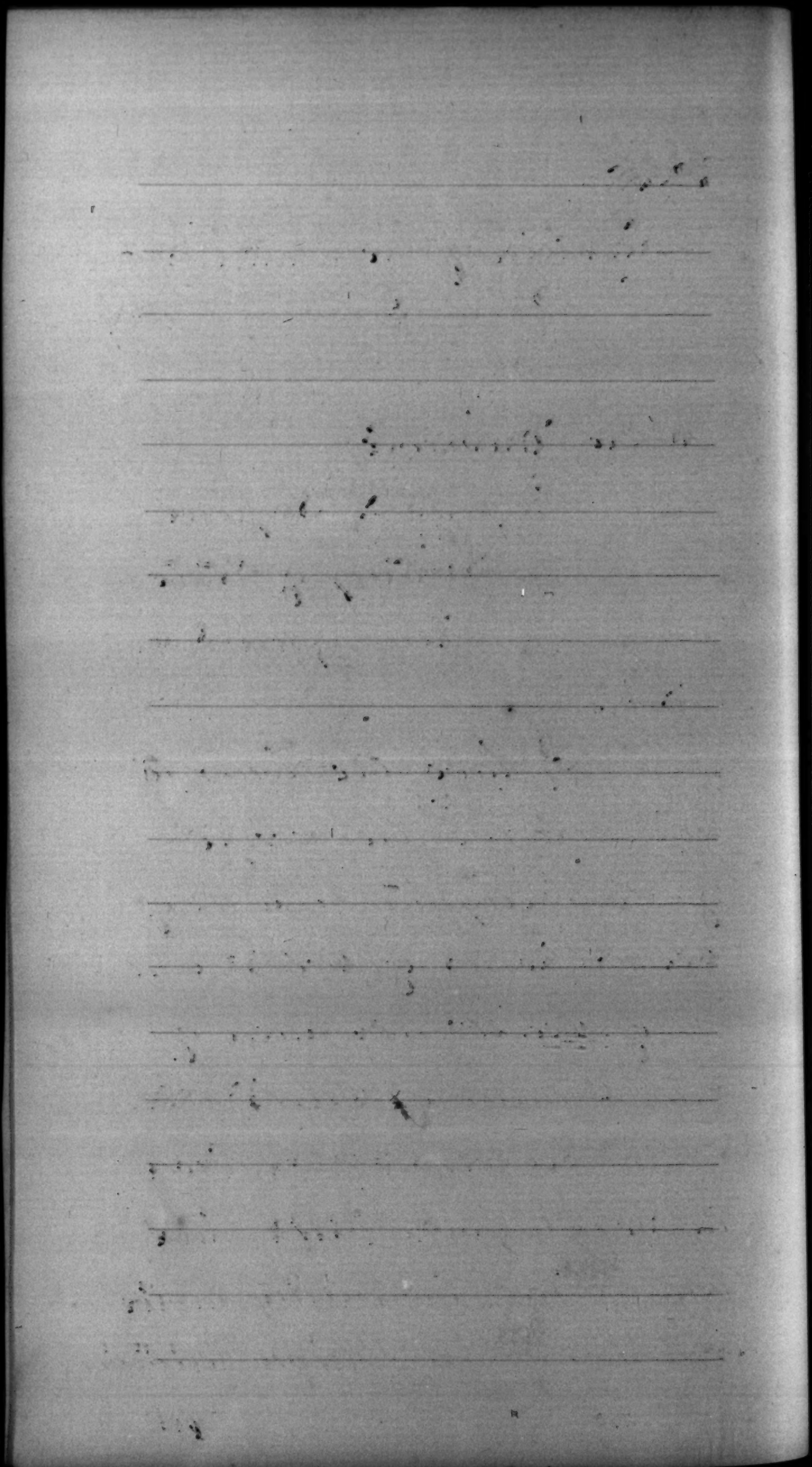
Mr. Denby to the

Secretary of State.

Subject.

Acknowledgement of receipt

of dispatches.



No. 268.

Legation of the United States.

Peking December 8th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches No 112, of Oct. 14th, No. 113, of Oct 15th and 114 of Oct. 21st 1886, and of your Circular of Oct. 13th 1886.

The reports mentioned in your dispatch No. 113 have been received, including twelve volumes of the Foreign Relations

for

for 1885, of which a copy was forwarded to each of our Consulates in China.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED

No 269. One enclosure 21

Legation of the United States
Peking, December 8th 1886.

Mr. Charles Denby
to the
Secretary of State

Subject.
Kwangsi Telegram
Received for September
and November 1886.

—

No 269. One enclosure.

Legation of the United States.
Peking, December 8th, 1886.

Honorable Thomas. F Bayard.
Secretary of State.
Washington.

Sir:— I have the honor to enclose
269. my account, for official telegrams
for September and November,
amounting to $ 45.95, against
which I have drawn my draft
in the usual manner to
balance.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure
Statement as above.

A

Telegram –

Kennedy. Consul-General

Shanghai.

Emens' trips not approved

Await letter.

Denby.

Peking, September 25. 1886.

2.0 P.M.

B

Telegram.

Rendinel, Newchwang

Wrong cypher message
cannot be read

Denby

Peking, Nov 4th, 1886.

C

Telegram. V

Foulk Seoul

Rockhill leaves at once for Seoul under orders Department to act as Chargé d'Affairs.

Denby.

Pekin, Nov 28th. 1886. —

C

Telegram. V

Bayard. Washington.

Have read Seoul, il
wrong repeat. Rockhill
leaves at once.

Denby.

Peking, Nov 28th, 1886.

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No 270.

Inclosure
2

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack. 5 Jany 24 1887 Cur 68
Copy to Secy of Treasury for
information of 5th Auditor.
JAN 21 1887 acdd
Jany 24
Cridler

Peking, December 9th, 1886.

W. Charles Denby

to the

Secretary of State

Subject

Post Account.

Synopsis

Explains Method of Keeping

and Rendering above account.

No 270.

Legation of the United States

Peking, December 9th, 1886.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to inform you that I have received a copy of a communication addressed to Mr. E. J. Smithers late Chargé d'Affaires ad interim of this Legation by the Fifth Auditor of the Treasury having relation to the accounts rendered for rent of this Legation premises. Mr. Smithers has also addressed me in regard to this matter stating that there appears to his debit the sum of $133.35 on the Treasury books on account of rent and he has requested me to forward to Washington an explanation as

to

to the manner of keeping the accounts for rent of this Legation.

I beg therefore to make the following explanation which I will thank you to be good enough to make known to the Treasury Department.

The Legation premises in Peking, as you are aware, are held by a lease for a term of years. The rent is paid to the representatives of the Estate of the late S. Wells Williams in Shanghai, when the quarterly drafts are sold. In the absence of proper banking facilities here, it is impossible to know what would be the exact amount in Gold, Equivalent of $750. Mexican - The amount of each quarters rent, when the drafts are drawn. Therefore the rule adopted by this Legation for some years past, has been to draw for $750. in gold

for

for the first three quarters of the fiscal year and the last quarter ending June 30th, to draw, as near as possible, for the amount due in gold to make up the annual sum of rental - say $3.000. Mexican.

For example;- for the year ending June 30th 1886, three drafts were each drawn, for $750. gold - $2.250. and for the last quarter a draft for $340. gold was drawn making a total of $2.590. gold. Whatever gain there may be in Mexican by sale of drafts is carried forward to credit of next account for the following quarter. Formal receipts are signed

signed by John F Leaman the Attorney of the Estate of the late L. Wth Williams for the amount of Quarters rent. In addition to these receipts the accounts are always supported with Exchange Vouchers. These are in the nature of receipts as they show the actual amount received in gold as well as Mexicans. The balance carried forward each quarter at credit shows the amount held by the Attorney of the Estate for which he is held responsible.

In this connection I may add that when Mr Gunther took charge of this Legation there was a balance of $283.69 Mexicans, in the hands of Mr. Leaman at credit of rent account. In like manner when I entered upon the duties of my

office

offis the balance at credit now
$ 154. 34/100 Mexicans. These balances
arise from the difference in exchange
between Gold and Mexicans.

The balance charged against
M. Smithers on the Tracery books
should be transferred to Rent Account.

I hope the above Explanation
will prove satisfactory to the Firth
Architect.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

"China"

DEPARTMENT OF STATE
JAN 21 1887
RECEIVED.

No. 1

One Inclosure.

Legation of the United States,
Söul, December 15. 1886.

Mr. W. W. Rockhill
to the
Secretary of State.

Subject.

Account salary Secretary of Legation Peking for fractional quarter. New duties more onerous and less compensation.

2d ASSISTANT SECRETARY.

JAN 31 1887

Gov. Porter:

All things considered I think the best way is allow Rockhill his Corean expenses in addition to his present Secretary's pay.

There is doubt whether he has been appointed Charge. We simply telegraphed Denby to send one of his secretaries to Seoul to take charge of legation. Rockhill is not accredited by Mr. Bayard to the Corean F.O.

On the other hand, the Secretary's pay and expenses would most likely favor Mr. Rockhill. As he has to keep up two establishments, (his wife remaining at Peking) his four months' residence at Seoul must entail an extra cost upon

him in excess of the $208 a month to which he would be entitled on the assumption that the Comptroller allows him both salaries — which is doubtful.

Very respty

ABL

2D ASSISTANT SECRETARY.

JAN 21 1887

Gov. Porter =

Can we not meet this difficulty:

1.) By continuing to pay Mr Rockhill as Secretary of Legation at Peking.

2.) By allowing him "actual travelling expenses" while on this extraordinary service in Korea.

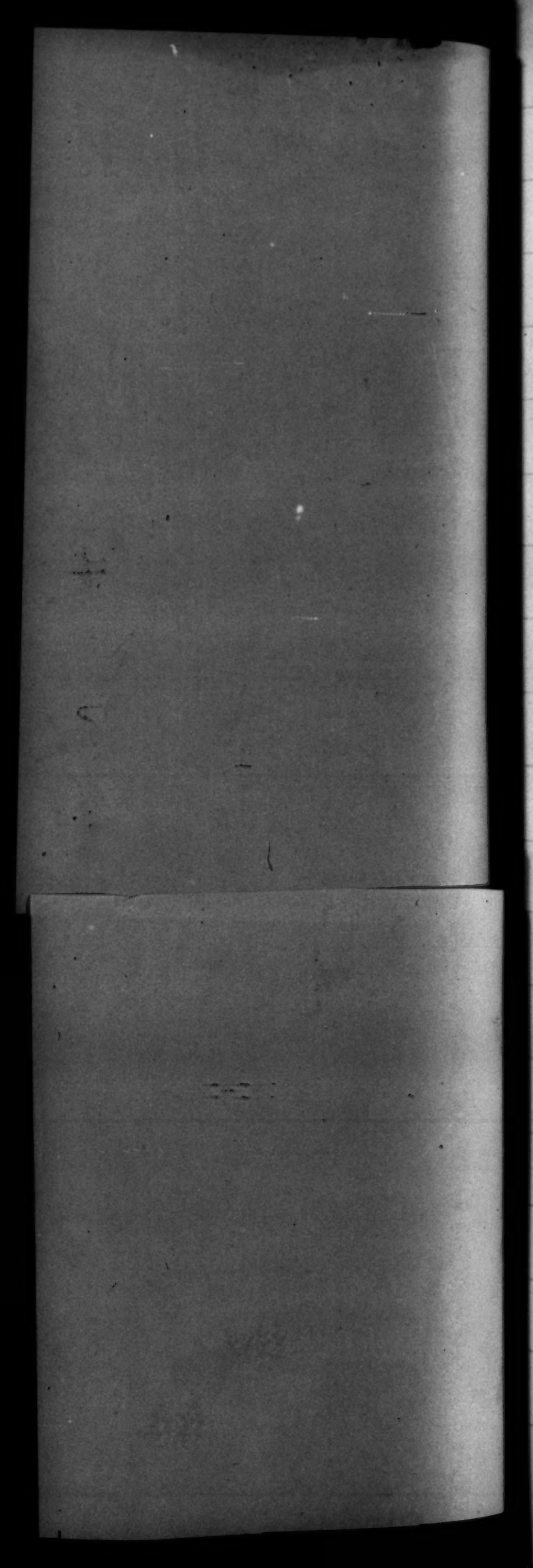
Mr Rockhill is not an ex officio chargé, and therefore may not come under the statute prescribing chargé compensation. Had not this law-question

[illegible] be examined by Mr Wharton.

It would be a great hardship to double Mr. Rockhill's expenses and at the same time reduce his pay by reason of an extraordinary employment not in the line of his official duty.

Reply

Ads



No. 1/ One Inclosure.

Legation of the United States,
Séul, December 15, 1886.

The Honorable
Thomas F. Bayard
Secretary of State
Washington. D.C.

Sir,

I have the honor to forward to you herewith my account for salary as Secretary of Legation at Peking for the fractional quarter ending November 30th, 1886. 1/.

Although fully aware of the irregularity which I committed in drawing for salary at such a date, I was obliged

so to do to meet the expenses of the voyage from Peking to Seul which I had to perform in pursuance of your telegraphic instructions to Minister Denby, and I most respectfully request that my action be approved.

I beg also to call the attention of the Department to the anomaly that I am now discharging duties much more onerous and entailing much greater expenditures of money than those I had the honor to perform at Peking, for a smaller compensation, and that my already increased expenses as Chargé d'Affaires are added to by the fact that being

being obliged to leave at twenty four hours notice a post where I had been stationed for two years and a half, I was forced to leave my family and all my household goods at Peking, and am thus obliged to keep up two establishments the one more expensive than the other.

I have the honor to be,

Sir,

Very respectfully

Your obedient servant,

W. W. Rockhill

Inclosure.

1- Account for salary.

file

DEPARTMENT OF STATE
FEB 1 1887
RECEIVED.

No. 271

Mr Everett
2

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by no. + file.
FEB 2 1887

Peking December 16th 1886.

Mr. Denby to the

Secretary of State

Subject

Import duty on paper

Synopsis.

In a case arising at Foochow Mr. Denby holds that the admission of "stationery" duty free does not exempt paper to be used for printing.

One enclosure.

No. 271.

Legation of the United States.

Peking December 16th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that the question whether paper intended to be sold and used for printing purposes is subject to an import duty has been submitted to me. I have decided that it is subject to such duty. I enclose herewith a copy of my dispatch

1/271

to

to Mr. Cowles.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Mr. Denby to Mr. Cowles

No. 21 Dec. 16th 1886.

Enclosure 1 in 271.

Mr. Denby to Mr. Cowles

No. 21. December 16th 1886.

Sir:

In further reply to your dispatch No. 158, of date Nov 30th 1886, I have the honor to state that I have naturely considered the same.

In Webster's Dictionary a "stationer" is defined to be "one who sells paper, quills inkstands, pencils and other furniture for writing." "Stationery" is defined to be "the articles usually sold by stationers as paper, ink, quills and the like."

This by no means certain from these definitions that "stationery" would cover all paper.

However that may be, other proper legal construction

seems

seems to settle the question at issue – that is the right to levy a duty on paper which is designed and intended to be used for other purposes than writing.

The record of the rules of 1858, quoted by you, allows "stationery" to be imported free of duty. But, the first rule provides that articles not enumerated in the list of imports but enumerated in the list of exports, when imported, shall pay the amount of duty set against them in the list of exports.

In the tariff of exports it is provided that "paper" of the first and second quality shall pay a definite duty. The words of a contract, according to an ancient rule, are to be so construed that

more

none of them shall be given effect than shall have no effect. Another well known principle is that the whole instrument is to be viewed and compared in all its parts so that every part of it shall be made consistent and effectual. Even the direct definite affixing of duty on the one specific article of "paper" must be held to control the general clause which exempts stationery. In order to give effect to the language of the contract it must be held that the word "stationery" was intended to cover either such articles of that character as were intended for private use or for purposes of writing.

If transported into the interior stationery would have to pay import duty.

Entertaining

Entertaining these views I shall allow the matter to rest, as you suggest, "all next summer". I direct, nevertheless, that the appeal to Peking by the Tartar General shall not be interfered with. Let the question be decided by the Yamên. But if they decide it against your views I shall not feel at liberty to contravene their decision.

I am, etc,

(signed) Charles Denby.

DEPARTMENT OF STATE
FEB 1 1887
RECEIVED.

No. 272.

Mr Everett
2

Legation of the United States.

Peking December 17th. 1886.

2D ASSISTANT SECRETARY.
Copy to Committee F. Affs.
referring to previous letter. 7 Feby 4. 87.
Ack. FEB 2 1887 Feby 4. 87 cit Ho.

Mr. Denby to the

Secretary of State

Subject

Settlement of missionary

claims for damages at Chungking.

No. 272.

Legation of the United States,
Peking, December 17th 1886.

To the Honorable
Thomas F. Bayard
Secretary of State,
Washington, D.C.

Sir:

I have the honor to report that the claims of the American missionaries for losses for acts of violence of a mob at Chungking have been arranged on the basis stated in my dispatch No. 243 of date Nov. 17th 1886. The amount to be paid is Taels 23000. The information

Comes

comes by telegram and we must await the details by mail. It is understood that the missionaries may return to Chungking but not immediately.

I have the honor to be

Sir,

Your obedient servant,

Charles Denby

Mr. Everett
15

DEPARTMENT OF STATE
FEB 12 1887
RECEIVED.

No 273.

2d ASSISTANT SECRETARY.
Ack by No. & file
FEB 14 1887

Legation of the United States.
Peking, December 18th, 1886.

Mr. Charles Denby
to the
Secretary of State

Subject.

Appointment of Tsungli
Yamen as Minister of
the Tsungli Yamen.

No 273.

Legation of the United States.
Peking, December 18th, 1886.

Honorable Thomas. F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to inform the Department of the appointment of Marquis Tseng, late Chinese Minister to England and Russia as Minister of the Tsungli Yamin. I need only say that the appointment is regarded as a good one.

I have the honor to be,
Sir,
Your Obedient Servant,
Charles Denby

Rec'd March 5 1887

No. 274.

DEPARTMENT OF STATE
FEB 12 1887
RECEIVED.

Wharton
Dept Business
5 March

Copies for F.R. 87

Legation of the United States.

Peking December 25th 1886.

Mr. Denby to the

Secretary of State

Subject.

Responsibility of the Chinese Imperial Government for acts of mobs

No. 274.

Legation of the United States.

Peking December 20th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to 1/274

enclose herewith a communi-

cation from the Viceroy at

Canton to Mr. Consul Seymour

relating to the claims of

American citizens for damages

at Heung Yuen (Am. Baptist

South) in Sept 1884 and at

Kwei Ping (Am. Presbyterians)

in May 1886. The Viceroy

states

states that he has repeatedly
ordered the magistrates
"to hasten and satisfactorily
"settle the preceding cases".
He disputes the amount of
damages claimed. [He takes
some credit to himself for
his fair treatment of Americans
and then proceeds to state
"but in the case of the Chinese
"Club House at San Francisco
"where the Americans totally
"killed over thirty Chinese
"subjects and that several
"hundred thousand dollars
"worth of property etc were
"lost, which is inhuman
"oppression to the extreme
"and compared with the two

end

Cases

"cases of Kwei Ping and
"Hong Chang Yuen must be
"one hundred times as severe."
He states that the indemnity
has not been settled. He
demands of the Consul that
payment of the claims of
Chinese in America be urged
by the Consul and the Minister.

In your dispatch No. 51,
of date April 12th 1886, you
say "It is, however, not
"desirable to engage in any
"discussion of the Chinese
"immigration at Peking while
"it is under discussion here,
"and if any tendency should
"be manifested to open
"argument there you will
politely

"politely hear what the
"Tsung-li Yamen may have
"to say but decline a
"discussion without specific
"instructions".

I have obeyed
your instructions as far as
I could. With a disputatious
controversialist like Chang
Chi Tung and a bold,
overbearing, dictatorial talker
like Li Hung Chang, it has
been difficult to avoid
argument. The more polished
chief of the Yamen, Prince
Ching, from time to time
hints at outrages in the
United States as some excuse
for analogous events here.

It will be for you to decide whether and when this restriction shall be removed and I shall be allowed, either personally or through the Consuls, to present to the authorities my views of this important question. At all events it can do no harm for me to state now to you my views. If they are not approved by you I will cheerfully bow to your instructions.

It is plain that neither in morals nor in law can one outrage be made to offset another. No jurisprudence in the world permits

permits this to be done between individuals. Between nations such a theory would result in a return to barbarism. It will not be claimed, of course, by the Chinese that international law sanctions such an idea. But as you perceive from the enclosure, it is inferentially claimed that as long as the United States denies her liability to pay damages for wrongs done to Americans, China may also refuse to pay damages for wrongs done to Americans.

It is necessary, therefore, to enquire whether, under

under the treaties, China is liable to compensate Americans for wrongs done by her subjects. The treaties must be construed by the aid of the governmental conditions existing in the two countries, the administration of the laws in each and the obligations and duties of the officials of the respective countries.

Treaties are usually supposed to be reciprocal in their rights, privileges and obligations. But, though the actual text may approach that result, in point of fact as between an uncivilized

or

or semi civilized nation on the one side and a civilized nation on the other, they can never be entirely reciprocal.

In the discussion of this subject let us disembarrass ourselves of many propositions which are either now permanently established or are untenable. By your complete and perfect argument in your dispatch to Mr Hunt (Foreign Relations 1885 p. 450) you have established forever the doctrine that a civilized government is not liable to compensate a foreigner for injuries sustained at

at the hands of its individual citizens, unless such liability has been assumed by treaty stipulation.

You and your predecessors, as far back as Mr. Webster (See his letter to Senor Calderon de la Barca 13 Nov. 1851) lay great stress upon the proposition that the courts, both Federal and State, are open to all foreigners and justice is fairly and impartially administered. I concede that this argument as applied to the United States is conclusive. But China would, under like circumstances say to us that

that, by the 4th Article of the Treaty of 1880, Tribunals were provided in China in which Americans might seek redress. She might say that some greater rights were granted to Americans in China than to Chinese in America in this that a properly authorized officiar of the plaintiff's nationality is permitted to sit at the trial with the judge, to examine and cross-examine witnesses and to "protest" against the proceedings in detail.

I may be permitted to say, parenthetically, that this word "protest" is very

indefinite

indefinite? In what forum shall this protest be heard? A Chinese plaintiff before an American Consul, being beaten, may protest if he please but, unless the case is appealed to the American Minister, it is res adjudicata. An American plaintiff before a Chinese judge may protest. Possibly he may, by means of his protest, bring the case to the consideration of the Yamen through his minister. But all this is conjectural. It is amazing that the distinguished negotiators should have failed to provide an appeal or some remedy

Besides

besides a mere pretext.

If we undertake to rely exclusively on Article XIX of the Treaty of 1844 we are confronted with Article III of the Treaty of 1880.

Article XIX provides that "All citizens of the United States in China, "peaceably attending "to their affairs, being "placed on a common "footing of amity and "good will with subjects "of China, shall receive "and enjoy for themselves "and everything appertaining to them, the special

"special protection of the
"local authorities of
"government who shall
"defend them from all
"insult or injury of any
"sort on the part of the
"Citizens."

Article III of the Treaty of 1880 is nearly as strong if not stronger: "If Chinese Laborers,
"or Citizens of any other
"class, now either
"permanently or temporarily
"residing in the territory
"of the United States,
"meet with ill treatment
"at the hands of any
"other persons the Government
"of the United States will

even

"exert all its power to
"devise measures for
"their protection and to
"secure to them the
"same rights, privileges,
"immunities and
"exemptions as may be
"enjoyed by the citizens
"or subjects of the most
"favored nation and to
"which they are entitled
"by treaty."

The most striking difference between these two articles is that the duty of protection is confided to the local authorities in the first and to the Government of the United States in the second.

On

On this difference and on the peculiar form of the Chinese Government rests the liability of China to pay damages for wrongs done by her subjects, while, owing to the form of our government, no such liability rests on the United States.

Mr. Humphreys Marshall, in his dispatch No 33 of date Oct 10th 1852, thoroughly and ably argued this question. His conclusion is that from a comparison of Article XIX with Article XXVI an implication arises that the intent of Article XIX is that damages should be

paid

paid. Article XXVI expressly provides that China shall not pay damages for injuries done by pirates. He might have strengthened his argument by a reference to Article XVI, which also provides that China shall not pay certain debts due from its subjects to foreigners. But the reasoning does not strike me as valid. It is simply inferential. The treaty must be construed in all its parts, but it does not follow that because two articles distinctly provide that if China is unable to collect certain liabilities from its

subjects

subjects it will not discharge these liabilities, therefore a liability arises to pay other debts about the collection whereof nothing whatever is said.

But the next view taken by Mr. Marshall strikes me as conclusive. It is in substance that, according to the philosophy upon which the Chinese system of government is built, the obligation exists in fact on the part of each public officer to indemnify against loss suffered within his jurisdiction by reason of crime or violence. The District Magistrate

is

is primarily responsible for losses sustained by a Citizen in his District from robbers or trespassers, because, according to the theory of the Chinese government, crime must result from a defective administration of the laws or wilful neglect to provide adequate precautions against its violation. This official responsibility exceeds the scale under every officer becoming bound for the discharge of duty by his immediate inferior the whole official corps becomes bound in solido to the supreme public authority and to the injured party. Since my

arrival

arrival in China, I have noticed in the Peking Gazette several instances wherein this doctrine has been applied. One occurred a short time since where public money was stolen by burglars. All the officials from the highest to the lowest in the district were compelled to pay a portion of the money.

As the treaty commits to the local authorities the duty of protection and as the right to collect damages is not specifically denied it must be taken that it was understood

understood that the ordinary public law of China should control all cases arising out of acts done in contravention of the Treaty.

It is also to be remembered that under the Treaty of 1844 there were but five open ports. Outside of these localities there were no Tribunals to which the foreigner could appeal. If even such Tribunals did exist the administration of justice was so defective, the accountability of officers so imperfect, the forms of procedure so repugnant to civilized ideas, malfeasance and misfeasance so likely

to occur, the want of ordinary guards of innocence so palpable that such tribunals, at the date of the treaty, did not and would not now furnish any safeguard to foreigners for redress.

The argument is summed up in a few words. China agrees that certain local officials shall protect foreigners; all local officials are liable, under Chinese law, to reimburse sufferers from wrong in their jurisdiction unless they compel the wrongdoer himself to make restitution; a local official can not be sued by a foreigner or in any

any manner coerced by
process of law; therefor the
Chinese Imperial Government
must be held liable to pay
such damages.

I have arrived
at this conclusion by a
process of reasoning, but the
Government may rightfully,
from necessity alone, reach
the same conclusion. If there
be no liability resting on the
Imperial Government to pay
damages there is no protection
or security for the foreigner.
Owing to the prohibition
against foreigners residing in
the interior, where the outrages
are mostly committed, as
suit

suit could be maintained. Indeed in such cases generally foreigners are driven out. No legal assistance is procurable in the interior, no foreign Consuls are located there. The mere forms of trial as provided for in the treaty become impossible. To deny the liability of the Imperial Government is to deny all liability and annul the treaty. I need not say how different all these conditions are in the civilized world.

I conclude, therefore, that we must strenuously insist on the liability of China

China under the treaties to pay damages for wrongs inflicted on our citizens in such localities and under such circumstances as raise a fair presumption that their occurrence might have been prevented by the exercise of reasonable diligence on the part of the local authorities.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Tsiang Chang Chih Tung to Consul Seymour Oct 31st 1886
(Enclosure 1/A in 178 from Canton)

Copy Enclosure 1 in No. 2714

Translation.

To His Honor

Charles Seymour Esq.

U. S. Consul,

Canton.

Sir:

Having received your two dispatches, one on August 28th and one on September 2nd, I, the Viceroy, after perusing and investigating, found that when your former dispatch came to hand I had already ordered the Nuei Ping Magistrate to investigate, administer and trace up the lost articles and report them and if Mr. Fulton should return to the district to see that he is protected.

I also have ordered the Ching Yuen Magistrate to investigate into the case that occurred during August 1884, when the missionary Chapel

chapel was robbed, and have
those that began the disturbances
and those that destroyed and
robbed away articles classified,
seized, tried and satisfactorily
administered.

Therefore in regard
to the two cases of Kwei Ping
and Ching Yuen districts I
the Viceroy have repeatedly
and strictly ordered their
respective magistrates to
protect foreigners if there are
any, to hasten and satis-
factorily settle the preceding
cases and forbid them to
delay or to be partial.

I have ordered
them so many times that
I think that each magistrate
will not dare to delay or not
to administer the affairs.

With reference to
the clause in the dispatch
saying that these affairs

can

can be easily settled with your honorable Counsel, but the Ching (or Heng) Yuen case is not a simple affair.

The officials has been changed and things are different from what they were before, so it must be thoroughly investigated before it can be settled and not because that the native officials wishes to delay.

With reference to whether the Kwei Ping case can be immediately settled satisfactorily it must be distinctly inquired how the trouble originated? who caused the troubles? who were the ring leaders? who were the followers? before it canbe justly decided.

With reference to the two cases that could be easily settled I the Viceroy only

only can swiftly hasten
but can not decide beforehand.

With regard to the
settlement of the cases by
the Viceroy in Canton; since
Kwei Ping is several thousand
lis from Canton and Yeng
(or Ching) Yuen is also several
hundred lis away, whether
the affairs pertaining to the
cases are true or untrue,
and the causes of the troubles,
all of which I have not
witnessed with my own eyes,
so that I can not decide
the case without certainty.

Your dispatch also
stated that the man who
leased the house to Mr.
Fulton at Kwei Ping said
"that placards were posted
"offering a reward for his
head at Kwei Ping." I am
afraid that these news have
been inaccurately reported

otherwise

otherwise it must be that the man has been accustomed to pursue evil doings and that he has gathered enmities with his fellow-countrymen but this is not the foreigners business.

I, the Viceroy, have been accustomed to treat the Americans intimately, so I must order the Kwei Ping Magistrate to protect Mr. Fulton when he reached the district so as to please your Honorable Consul's wishes.

In regard to your Honorable Consul's dispatch of July 11th 1886 in which it is stated that Mr. Fulton all together lost property to the amount of $6.300.00, I, the Viceroy then referred to the dispatch of General "Soo" (the General of Kwang Si) and the petitions of the Colonel of "Chuen-

Chow"

Chows" and the Kwei Ping magistrate all stating that Mr. Fulton himself said that "the clothing and articles "lost were not of much "consequence" and that "all lives were secured" - very fortunate", all these words were uttered by Mr. Fulton himself, so that if can not be untrue and if the articles lost amounted to $5.300.00 he would have distinctly told the native officials and not state that they were not of much consequence.

2 the Viceroy having a regard for the friendly terms of our two countries, that peace rest between us is considered important and that the affairs concerning loses is considered small, therefore I did not mention them in my answers and since your

honorable

honorable Consul has repeatedly sent dispatches to me urging the settlement of the two cases also did not mention the lost articles again, is similar to my ideas, although the affairs are small yet it is important in connection with the settlements, so I must clearly state it in the beginning and think that your honorable Consul sees it here.

Again the two cases of Yuri Ping and "Yeng or Ching Yuns" are only disturbances suddenly arisen, which is a small affair as the Americans did not receive any wounds or injury and I the Viceroy, as soon as your honorable Consul's dispatch was received, ordered each magistrate to immediately and satisfactorily

administer

administer the affairs and have repeatedly and strictly cautioned them, so I the Viceroy did not spare any moment in attending to the American cases and can say that I have exerted all my power, but in the case of the Chinese Club House at San Francisco when the Americans totally killed over 30 Chinese subjects, and that several hundred thousand dollars worth of property etc were lost which is inhuman oppression to the utmost and compared with the two cases of Kwei Ping and Teng(or Ching) Yuen must be 100 times as severe.

Although the indemnity has been considered and decided upon and yet it is not settled.

China has exerted

her

her utmost in administering
the small cases of America
so' America ought to
immediately and satisfactorily
settle the serious cases of
China.

Your honorable Council
ought to personally telegraph
and petition to H. E. the American
Minister at Peking to write
to your honorable country's
Secretary of State (within this
day) to consider satisfactorily
and pay the indemnities to
the Chinese Minister and
severely punish the rioters
so as to be in accordance
with the public agreements.

Although this case is
not connected with the Kuei
Ping and Heng Ching Yuen
cases yet your honorable
Council having previously
sent dispatches respectfully
asking me, the Viceroy, of

reasonable

reasonable affairs, as I, the Viceroy, respectfully ask reasonable affairs of your honorable Consul and think that your honorable Consul will comply with this.

Besides ordering the Kwei Ping magistrate to immediately investigate into the true facts of this case, clearly trace up, satisfactorily administer and report the affairs and if Mr Fulton returns to the district to protect him with all his power and to put a stop to all placards posted; and order the Ching (or Tsing) Yuen magistrate to investigate into the case occurred during August 1884, when the missionary chapel was robbed, to have those that began the trouble and those that destroyed

and

and robbed away property
etc seized, tried and
immediately administered
so I reply to your honorable
Council with compliments etc.

(signed) Chang Chih Tung
Viceroy of the two Kwangs

Canton Oct 31st 1886

[Translated at Canton]

Telegram Cipher.

Legation of the U.S.
Peking, Dec. 23, 1886.

Bayard
Secretary
Washington.

Recommend F. D. Cheshire
Interpreter to Legation shoved
be appointed U.S. Consul
at Chinkiang. Answer by
telegraph.

Denby.

Asia
D. L. P.

No. 275.

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

Mr. Sharp
Mr. Everett

Legation of the United States.
Peking, December 25th, 1886.

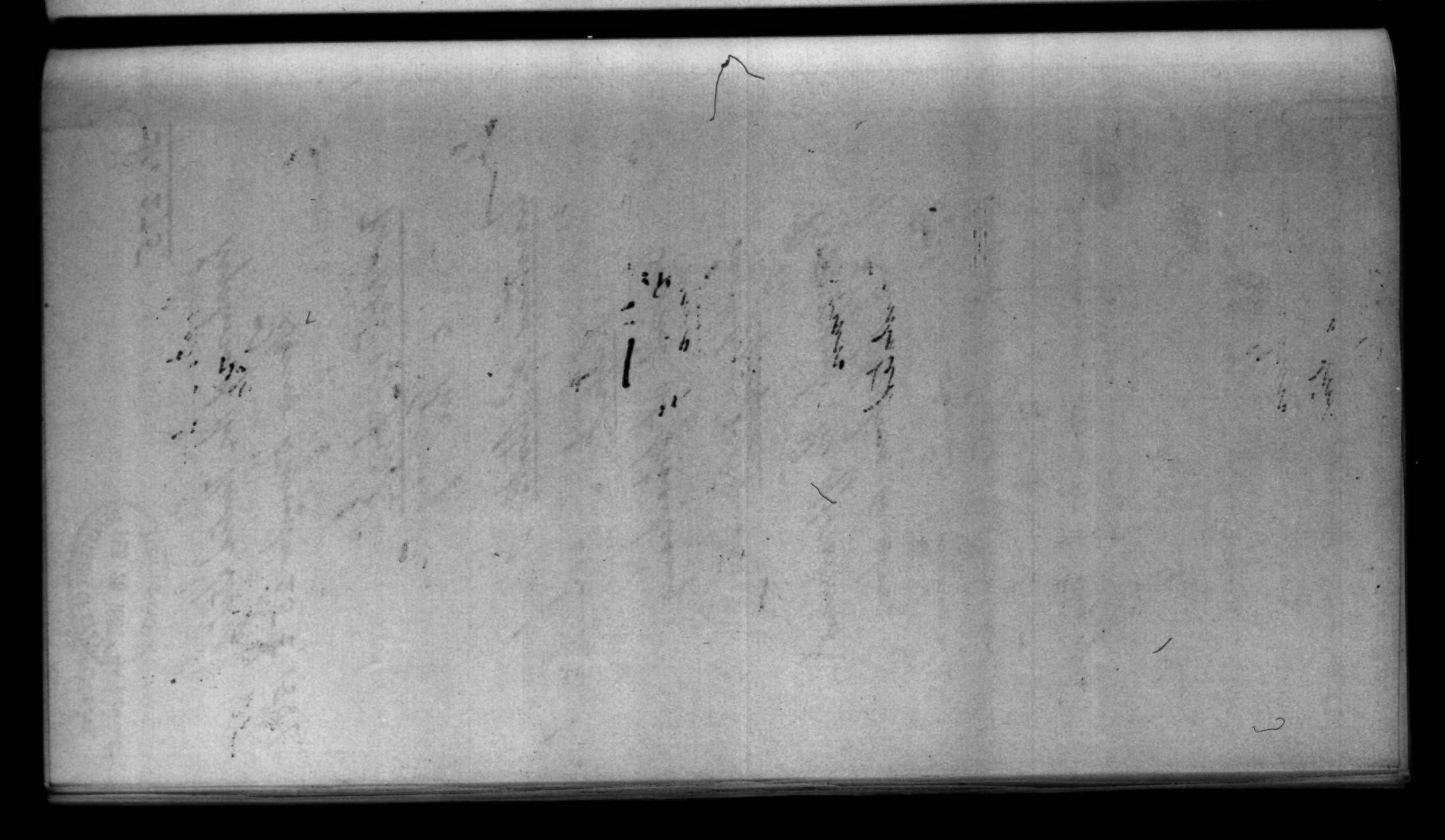
Mr. Sharpe Secy
to the
Secretary of State.

Subject
Consul at Shanhaikwan.

Synopsis

Recommends the appointment of F. D. Sherkins to above office.

— -·- —



No 275.

Legation of the United States.

Peking, December 25th, 1886.

Honorable Thomas F Bayard.

Secretary of State.

Washington.

Sir:—

I have the honor to confirm my telegram of date the 23rd instant as follows:—

"Punic F. D. Sherman
Lawrence Pedlamite
Delgado bourgeant
Kattan Derby"

Translated meant:

"Recommend F. D. Sherman Interpreter to legation should be appointed U S Consul at Chinkeang. Answer by telegraph"

I saw in the papers that W. E. J. Smithers had been transferred to Tientsin. This leaves a vacancy at Chinkeang. Mr. Sherman has been in China Eighteen years. He is a fine Chinese scholar. He was formerly with Augustine Heard

and Company. For the past ten years he has been in the Government service. During that time he has acted as Consul and Consul General to the satisfaction of the Government. He is well qualified to perform the duties of Consul. His desires to be transferred to the Consular Service. I, therefore, deemed it best to send the above telegrams.

I have the honor to be,

Sir,

Your obedient Servant

Charles Denby

Mr Everett

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

28

No 276 Confidential.

Legation of the United States.
Peking, December 27th, 1886

W. Charles Denby.
to the
Secretary of State
Washington

Enclosing Diplomatic
Telegram Account
from September to
November 1886.

No 276 One enclosure.

Legation of the United States.
Peking December 27th, 1886.

Honorable Thomas F. Bayard.
Secretary of State
Washington

Sir:—

I have the honor to hand
you enclosed duplicate statement
of my telegrams account from
September 25th to November 28th
1886.

276.

I have the honor to be,
Sir,
Your obedient servant

Charles Denby

Enclosure
Duplicate statement as above.

Telegram.

Kennedy. Consul General
Shanghai.

Evans's tips not approved
Await letter.

Denby

Peking. September 25th, 1886.

Telegram.

Bandinel, Newchwang.

Wrong cypher message cannot be read

Denby.

Peking, Nov 4th, 1886.

Telegram.

Fouch Seoul

Rockhill leaves at once for Seoul under orders Department to act as Chargé d'Affaires.

Denby

Peking, Nov 28th, 1886.

C.

Telegram

Bayard, Washington.

Have read letter,
if wrong repeat.
Rockhill leaves at once.

Denby

Peking, Nov 28th. 1886.

file

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

No. 277.

W. Perrett 28

Legation of the United States.

Peking December 29th 1886.

Mr. Denby to the

Secretary of State

Subject

Proposed coinage of a British trade dollar at Hongkong.

Two enclosures.

No. 277.

Legation of the United States.

Peking December 29th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor

1/ to enclose herewith clippings

277 from the North China Daily

News of date December 9th

1886.

They all relate to the

proposed coinage of a British

Trade Dollar at Hongkong.

The Colonial Treasurer at

Hongkong reports that the

time

time is inopportune for the coinage of this dollar and gives his reasons at length.

I also enclose the report of the Director of the Japanese Mint on this subject, and of Mr. John Walter, Chief Manager of the Hongkong and Shanghai Banking Corporation. All three officials concur in the statement that the coinage of such a dollar would result in loss at this time.

2/277

Duplicate copies of these enclosures will be sent hereafter if they can be procured.

9

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures

1. Clipping from "North China Daily News" Dec. 9th 1886, A British Trade Dollar.

2. Clipping from "North China Daily News" Dec. 9th 1886 The Director of the Japanese Mint to the Colonial Treasurer Hongkong

Enclosure 1 in No. 277

A BRITISH TRADE DOLLAR.

The two following despatches form part of a pamphlet which has been recently issued by the Singapore Chamber of Commerce. It contains the correspondence, since 1876, on the proposed British Trade Dollar, between the Chamber the Colonial Secretary of the Straits and others. We shall, we hope, be able to supplement to-morrow the despatches now given by the letter of Mr. Walter and the Adviser of the Japanese Mint.

COLONIAL SECRETARY, HONGKONG, TO COLONIAL LECRETARY, HONGKONG.

Colonial Secretary's Office.

Hongkong, 8th Sept., 1886.

Sir,—I am directed by His Excellency the Officer Administering the Government to acknowledge receipt of your letter of 5th July last, asking for the opinion of this Government on a suggestion that has been made by the Auditor-General of your Colony that a British dollar should be coined for the East.

It has been considered in Hongkong that a British dollar could not be coined at a sufficiently low cost to compete with the Mexican dollar and the yen, and this opinion would have been communicated to you some time ago, had His Excellency not thought that it would be more useful to you if some data were furnished at the same time, showing the ground on which it was based. Hence the delay in replying to your communication.

I am now directed to forward, for the information of your Government, copy of a report by the Treasurer of Hongkong enclosing copy of a report called for by Governor Sir Richard Macdonnell in 1866, with the view of ascertaining whether it would be possible to ensure the Hongkong Mint paying all its expenses. The Mint was closed in 1868—as it was found that it could not be worked except at a considerable loss. Amongst the enclosures will also be found a letter from the Technical Adviser of the Imperial Mint at Osaka, and one from the Acting Chief Manager of the Hongkong and Shanghai Bank, both of them in confirmation of the view that an attempt to coin a British dollar for the East would be attended by failure.—I have, &c.,

(Sd.) FREDERICK STEWART,
Acting Colonial Secretary.

The HON. the Colonial SECRETARY,
Straits Settlements, Singapore.

REPORT BY COLONIAL TREASURER, HONGKONG.

Treasury, Hongkong, 17th Augut, 1886.

Sir,—I have had under careful consideration the letter of the Colonial Secretary of Singapore, dated July 5th, 18 6, covering an Extract from the Financial Report of the Auditor-General of the Straits Settlements, on the subject of a British dollar for the East, which you did me the honour to refer to me for report. In connection with these papers I have read a pamphlet entitled *The British Dollar*, published at Singapore, and chiefly consisting of newspaper articles on this subject.

2.—The delay of the papers in question in my hands has arisen from the length of time requisite to obtain some information as to the working of the Japanese Mint, at which establishment it would seem to be the case that it has sometimes been profitable to the public in Japan to coin bar silver obtained from San Francisco, paying the Mint a seignorage of one per cent. From some returns that have been placed at my disposal, it appears that without allowing anything for interest or loss on exchange, the mere expenses of transport of the silver from San Francisco, and its coinage amounted to a trifle over two per cent.

3.—I believe that in the word *sometimes* in the preceding paragraph lies the key to the whole situation. Exceptional circumstances have occasionally forced up the price of the Mexican dollar, and then it might have been profitable for a time, to be coining a British dollar. But the very issue, in large quantities, of such a dollar, would tend to lower the market value of the Mexican, and then the state of things which made the issue of the British dollar profitable would disappear at once, and with them the profit on the dollar.

4.—It must be remembered that a mint cannot be started to work only sometimes It was the want of *continuous* work, amongst other things which told so heavily against the Hongkong Mint. If a British dollar were to be established, it must be coined, under whatever circumstances, all the year round. The question is, can it be so coined without most serious loss? To which I conceive there is but one answer, and that a negative.

5.—I enclose an exhaustive report framed by a Board of Enquiry to which the question of the Hongkong Mint was referred by Governor Sir Richard Macdonnell. This Report, I consider, effectively disposes of the question of *profitable* competition with the Mexican dollar. At the very outset, however, a sentence occurs which will be very misleading unless the exact meaning the Commissioners had in mind in framing it be carefully remembered. They say, (answer to 1st question) "It is practicable at comparatively moderate cost to increase the melting and coining power of the mint *so as to insure its becoming profitable if it can only be supplied with silver.*" That is to say, if the mint can be kept in full and continuous work, coining dollars at two per cent. seignorage it will pay. Undoubtedly, but experience has shown that nothing will induce the public to pay two per cent. seignorage, and that it is only sometimes that there is any inducement to the public to send in silver for coinage in Japan at a one per cent. seignorage, and that only very large orders can yield a profit, even on those terms. So that the sentence I have quoted amounts to very much the same thing as saying that a shop would pay if only a steady stream of customers could be attracted to buy goods at a heavy advance on market prices. What the commissioners had in their minds was a question of gear and machinery, as to which there had been difficulties. "The Mint can be made to turn out enough coin," they say, "if only you can attract silver." The whole of the rest of the report goes to show why silver cannot be attracted.

6.—Except in the deplorable over-appreciation of gold, the situation has altered little since the Report in question was written. We do, however, possess full information on one point as to which the Commissioners were in the dark. We know how much subsidiary coin this Colony can be safely expected to absorb in the course of a year. During the last few years liberal supplies have been obtained from home, and the coins have been put at the disposal of any one who chooses to ask for them. The result is that they do not move off at a greater rate than $300,000 a year, the profit on which may be taken as $15,000. That is a very little, when the loss on coining a dollar is taken into account.

(7) 8.—The greater part of these subsidiary coins find their way to the adjacent mainland, where curiously enough, a coinage bearing the Queen's head is very popular. I am told that Hongkong ten-cent pieces may be found in almost every shop of any pretensions in Canton, and even many miles inland. It may perhaps be argued that, if Chinese will take token coins which they know to be considerably alloyed, and will even pay a premium for them, they would equally take dollars, the intrinsic value of which is not quite equal to the value at which it is desired to circulate them. Such reasoning, however, would be fallacious. Chinese take ten and five-cent pieces, and even buy them up, for the sake of their convenience, just as a tradesman at home will give a small premium for a supply of copper. But no Chinese would receive any considerable sum in this coinage, any more than the English tradesman would accept £500 in penny pieces. For all substantial purposes, coin, to a Chinese, can never represent more than a certain weight of such and such a fineness.

9.—The writer of the pamphlet *The British Dollar* naïvely proposes to make that dollar pay by putting two per cent. less silver into it than the Mexican dollar contains. Devices of this kind are simply attempts to run away from one's shadow. Such a coin might do perfectly well for local circulation in Hongkong and Straits Settlements, if that were all that is to be



thought of, but when we come to consider the purchasing power of the two dollars *outside* of those Colonies, it is evident that the Mexican dollar would bear [illegible] per cent. premium, or the British dollar [illegible] per cent. discount, whichever way [illegible] it is preferred. When the Mexican dollar would purchase 100 articles, the British dollar would purchase only 98. The Banks here could not afford to take the two dollars without distinction, for direct specie might be required beyond the limits of Hongkong, the inferior dollar would at once be at a discount.

10.—Let it be supposed, however, that the debased dollar, being the cheaper coin to buy, attains some popularity, and bids fair to drive out the Mexican. Would not the Mexican Government at once debase their dollar to the same extent as the British dollar, and so put it in the market as still the cheaper coin?

11.—For here we come to the hard fact which underlies the whole matter. From various causes the cost of mintage of Mexican dollars is about one-half per cent. When a British dollar can be coined cheaper than that, it will drive out the Mexican and not before.

12.—Suppose that, by cutting down every possible expense, a British dollar, equal in fineness to the Mexican, can be produced at a cost of one per cent. There is a half per cent. loss, and who is going to pay it? The general way of meeting this difficulty is to rely upon a supposed sentimental preference for a handsome, well-minted British dollar, which will make 200 such coins go as far as 201 Mexicans. If experience has proved anything it has proved that this sentimental preference does not exist. The Chinese tea-producer or silk-grower is dead to any such feeling. The difference, then, must be paid by some other set of persons. The British Government is evidently resolved not to pay it. The Colony of Hongkong was glad to discontinue paying it as soon as possible.

13.—Moreover it is not as if it were a question of simply providing a country (even such a country as China) with a coinage, and then maintaining it. Even that would be serious enough. But it is a labour of Sisyphus—to produce handsome dollars in England as fast as Chinese can melt them up in China. As the Commissioners point out in the report I have quoted, Chinese take coins by weight, simply as a mass of silver, and they add "Why this should be so does not concern us here; it is sufficient that such is the fact."

14.—It may be urged that the Mint which was a disastrous failure in Hongkong, has been, under very much more economical management, a success in Japan. A letter from Mr. Gowland, the Technical Adviser of the Japanese Mint, shows clearly that this difference of result has followed from entirely different circumstances. The Japanese Mint has coined gold and copper as well as silver, and has issued subsidiary silver coin of a much lower standard than we could venture to circulate here. Sulphuric acid and soda works have been attached to the main enterprise as an auxiliary source of profit. The Japanese *Yen* is a handsome and trustworthy coin, but the fact remains that, whilst it has only *occasionally* been worth the while of the public to pay one per cent. to have it coined, the payment of one per cent. has not remunerated the Japanese Government. I would bespeak special attention to Mr. Gowland's letter, which seems to me to leave no question open for discussion.

15.—Finally, I would urge that, for any enterprise in silver the time is out of joint. With the dollar hovering only just above 3/, we all earnestly hope that bi-metallism is not far off. Something surely must be done, and what the result of the measures adopted will be, he would be a bold man who would predict, even with a knowledge of the nature of the measures. The introduction of a British dollar is not, in any case, a question of such urgent importance as to make its prosecution necessary in the face of unusual uncertainty and difficulty.
—I have &c.,

(Sd.) A. Lister, Treas[illegible]

The Hon. Frederick Stewart, LL.D.,
Acting Colonial Secretary, Hongkong.

Enclosure 2 in No. 277

THE DIRECTOR OF THE JAPANESE MINT TO THE COLONIAL TREASURER, HONGKONG.

The Imperial Mints, Osaka, Japan,
9th August, 1886.

Sir,—In reply to your letter of the 17th ult. I have much pleasure in sending you the following remarks on the coinage of a dollar coin and by the same post the last five annual reports of the Imperial Mint.

In the reports I think you will find the information you require respecting the annual coinage receipts and expenses of the Mint. A Mint, however, in Singapore would be of an entirely different character and have different functions. The Japanese Mint has had to provide say thirty millions of people with a large minor currency of copper and silver in addition to the standard coins, and from this minor currency, and this alone, especially from the coinage of copper, the profits have been and are derived,

The actual cost of coining the silver Yen is greater than the charge—one per cent.—made to the public for coining it, but the object in issuing this coin is not to bring direct profit to the Mint, but to benefit the country indirectly by the facilities a satisfactory currency gives to commerce.

A Mint in Singapore would probably be chiefly engaged in coining dollars, as it is improbable that a circulation would be found for a large annual coinage of subsidiary silver, and in such case it is difficult to see how it could avoid being a heavy expense to the Colony, unless its charge for coining dollars was higher than the banks or other importers of Bullion would be prepared to pay.

In the Japanese Mint the cost of coining the silver Yen exceeds one and a half per cent. even when only a portion of the expenses of management is charged to its account. In Singapore the cost of coining a dollar would perhaps reach, probably exceed, two per cent. As the cost of coining a similar coin in the other Mints may be of interest to you, I insert here extracts from the reports of the London and the United States Mints.

In the Eighth Annual Report of the Royal Mint (p. 12) London (1877) the Deputy Master states that he had been informed by the Director of the United States Mint that the charge for coining Trade Dollars had been raised to one and a half per cent., at the Mints at San Francisco and Carson, and to one and a quarter per cent. at the Mint at Philadelphia which rates were estimated to cover only the actual cost of coining.

In the Thirteenth Annual Report of the Director of the United States Mint, p. 104, the cost of coining standard Dollars at the Mint at New Orleans is given as follows:—

Year	Number coined	Cost of coining per piece cents.
1884	8,905,000	1·557
1885	10,135,000	1·496

From these quotations you will see that the cost of coining a dollar in the abovementioned Mints, where the conditions are more favourable than would be found in Singapore, varies from one and a quarter to about one and a half per cent.

There is also another point of considerable importance in connexion with a Colonial Mint in Asia which may be mentioned here. Such a Mint would probably not have a greater capacity than forty thousand Dollars per working day, but during the China season—if I may judge from what happens here, Bullion is received sometimes at the rate of nearly a million Dollars in a week, the importers have to be paid say within eight or ten days—actually on the sixth day from the date of assay or immediately, on the payment of a small fixed additional charge; and it is impossible to coin this amount within the time allowed for payment, consequently a reserve of coins has to be kept to meet such importations

In the Japanese Mint, we find it necessary to have over one and a half millions of silver Yen in Osaka ready for delivery This is considered a part of the Government reserve and for its use the Mint pays no interest. Besides this the Government Reserves in Tokio can be drawn upon in cases of emergency. In Singapore it might be difficult for the Colonial Government to arrange satisfactorily for such a reserve free of interest, and without it the Mint might be useless in times of pressure.

During other parts of the year the silver importations are frequently only small, sometimes almost *nil*, the Bullion which has accumulated in the Mint strongholds during the above period is then gradually coined, the coins being sent to the Reserve.

As an example of this I may state that during the last few months although we have been coining at the rate of about a quarter of a million silver Yen per week, yet uncoined Bullion has accumulated in the strongholds up to nearly two and a quarter millions of Dollars in value.

If it is desired that a Mint established in Singapore shall be self-supporting, it must coin and find a demand for ten and twenty cent subsidiary silver coins in sufficient quantity to yield a seigniorage which shall exceed in amount the expenses incurred in coining the silver Dollar and these minor coins.

If this is impossible, the Colony must be prepared for a somewhat heavy annual expenditure. It may, however, be possible that the indirect benefit which the establishment of a Mint may afford may be worth such expenditure, but on this point I have no data on which to base an opinion.

Finally, I believe that the coinage of a British Dollar for the trade of Eastern Asia could not be satisfactorily carried out by any Colony without substantial aid from the Imperial Government.

Hoping these somewhat disconnected notes, written during great pressure of official work, may not be altogether useless to you,—I am, &c.

(Sd.) WILLIAM GOWLAND.

The Hon. A. Lister, Hongkong.

THE ACTING CHIEF MANAGER OF THE HONGKONG AND SHANGHAI BANK TO THE ACTING GOVERNOR.

Hongkong and Shanghai Banking Corporation,
Hongkong, 14th September, 1886.

Sir,—I have carefully read Mr. Lister's exhaustive report, and quite concur in his opinion that the establishment of a mint in Hongkong for the coinage of a British dollar could not but result in heavy loss to the Government.

Judging after an experience of several years in Japan, I would say that the calls on the Osaka Mint from foreigners for coinage of Bullion into silver yen are of a very sporadic nature, and that, were it not for the large subsidiary copper and silver coinage, the mint would be idle for the greater part of the year.

There is an important fact to which Mr. Gowland does not allude; while making foreigners a charge of one per cent, the Osaka Mint coins silver Bullion for the Japanese Specie Bank (a bank of the Japanese Government) at a charge of about *one third* of *one per cent*, thus giving a bounty on the production of Yen to this bank at the expense of the Japanese tax-payer, in the same manner that some of the Continental Governments of Europe foster the production of Beet Sugar by bestowing a bounty on the exporter of same.

The possession of this privilege by the Japanese Bank, coupled with the fact that Japan lies on the direct Bullion route from California to China and the Straits, will, in my opinion, make it quite impossible

for a British dollar (costing 2 per cent. to coin) to hold its own against the cheaper Japanese yen so long as the latter is legally current at Singapore. Even if a British dollar was introduced in Singapore and the yen tabooed, the latter coin would probably more than hold its own in the protected and independent Native States which supply Singapore with the greater part of the produce shipped thence. I may add here, that the yen is already firmly domiciled at Amoy and Foochow.

In venturing an opinion as to the adaptability of a British dollar for the Straits, I have perhaps gone outside the question, and will now confine myself to giving my ideas as formed from a purely local point of view.

In a great trade centre like Hongkong where the Reserve funds of foreign Banks are to a great extent kept, and on which monetary calls are being constantly made from China, Japan, and the Straits, it is most important that the currency be such as can be made available for use in these quarters. This condition is fulfilled by the Mexican Dollar and, to a lesser extent, by the silver Yen, but although, as already mentioned, the Yen finds recognition at Amoy and Foochow, the Northern Chinese who are notoriously conservative, have always remained loyal to the Mexican Dollar. As regards cost of coining the Mexican Dollar, I have no reliable statistics, but it must be much below 2 per cent., as it frequently happens that the coin can be purchased in London at its Bullion value for melting purposes.

Without, therefore, taking into consideration the difficulty of overcoming Chinese prejudices, the British Dollar would unquestionably be heavily handicapped in the competition by its higher cost, and its chance of ultimate success against its rivals would be very slender. Outside Hongkong and the Straits it would probably be only worth its Bullion value, which would cause it to frequently find its way to the melting pot, and the cost of coinage would be consequently lost.

The foregoing remarks are very crude, but I trust I have succeeded in making my meaning clear. I would say that if Japan and [illegible] are willing to supply the East with a Dollar at lower than cost price, it is the wisest policy to allow them to do so. The coins supplied hitherto have always been of uniform weight and purity, and when same fail to fulfil these conditions, it will be time to entertain the question of coining a British Dollar.

I am etc.,
(Sd.) JOHN WALTER.

His Excellency W. H. Marsh, C.M.G.,
Officer Administering the Government,
Hongkong.

The following resolutions were to be moved by the Colonial Secretary and seconded by Mr. Shelford at the meeting of the Straits Legislative Council on Tuesday, the 30th November:—

1.—That in the opinion of this Council it will be to the interest of trade in these Settlements and tend to the extension of British influence in the adjacent territories, if, after due notice, the existing foreign currency is demonetised and there be substituted for it a British dollar weighing 416 grains and of 900 parts of pure silver to 100 of alloy, which shall be the sole legal tender throughout the colony.

2.—That a humble Memorial be presented by this Council to Her Most Gracious Majesty the Queen, praying her to exercise her royal prerogative of coinage by issuing as a Memorial of her Year of Jubilee a dollar coin for use in these Settlements.

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

Sep. Mr Everett 28

Legation of the United States.

Peking, December 31st 1886.

Charles Denby Jr. to the

Secretary of State.

Subject

Salary Account, 4th Quarter.

One enclosure.

Sep.

Legation of the United States.
Peking December 31st 1886.

To the Honorable
Thomas F. Bayard
Secretary of State.
Washington D.C.

Sir:

I have the honor to
enclose herewith statement
of my salary account for
the quarter ending Dec. 31st
1886, against which I have
drawn my draft on Messrs
Brown Shipley & Co, London
in the usual way.

I have the honor to be,
Sir,
Your obedient servant,

1/Sep

Enclosure.
1. Statement as above.

Chas. Denby Jr.
Second Secretary.

Separate. One enclosure.

DEPARTMENT OF ST.
FEB 28 1887
RECEIVED

Mr Coerett

28

Legation of the United States.

Peking, January 31st, 1887

W. F. D. Cherbin

to the

Secretary of State

Subject

Customs Account for
Losses by Exchange
for 1886.

Separate. One enclosure.

Legation of the United States.

Peking, January 3d, 1887.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

Referring to my despatch of this date, forwarding my account for salary for the fourth Quarter 1886, I am now the honor to transmit herewith a separate account for house hy Exchange on salary drafts drawn by me during the year 1886.

I have drawn upon you in the usual course, for the amount thus shown to be due me, and beg that my draft will be duly honored upon presentation.

I have the honor to be,
Sir,
Your obedient servant
E. Denby

Enclosure
Account as above.

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

Mr Everett 28

Separate. One enclosure.

Legation of the United States.
Peking, January 3d 1887

Hon. F. D. Sherman
to the
Secretary of State
Washington.

Endorse Salary Account
for Fourth Quarter 1886.

Separate. One enclosure.

Legation of the United States
Peking, January 3d, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to enclose a statement of my salary account for the Fourth Quarter 1886.—
The balance. $8.01, I have credited the Government in my account for house by Exchange which I forward by this opportunity.

I have the honor to be,
Sir,
Your obedient Servant.
F D Chamberlain.

Enclosure
Statement as above.

Mr Everett

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED

No 278. One enclosure.

Legation of the United States.
Peking, January 3d. 1887.

W. Charles Denby:
to the
Secretary of State
Subject
Transmits Telegrams
Account for
December 1886.

No 278. One enclosure.

Legation of the United States.
Peking January 3d, 1887.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to enclose
278. herewith a statement of my official telegram
account for the month of December
1886, amounting to $26.50.

To reimburse me in the amount
due, I have drawn my draft on
you in the usual manner.

I have the honor to be
Sir,
Your obedient servant.
Charles Denby

Enclosure
Statement as above.

Telegram.

Rome F. D. Chesbrough

Secretary Pendleton

Delegate Bourgeois Baron

Derby.

Peking December 23rd 1886

Mr Rockhill
18

No 279. One enclosure.

DEPARTMENT OF STATE
FEB 28 1887
RECEIVED.

Legation of the United States.
Peking, January 4th, 1887.

Mr. Charles Denby.
to the
Secretary of State.

Subject.

Enclosed Salary Account
for Fourth Quarter 1886.

No 279 One enclosure.

Legation of the United States.
Peking, January 4th 1887.

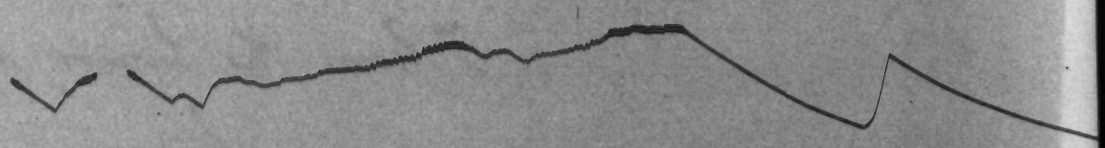
Honorable Thomas. F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to enclose herewith a statement of my salary account for the quarter ending December 31st 1886.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure.
Statement as above.



w/ Everett 8

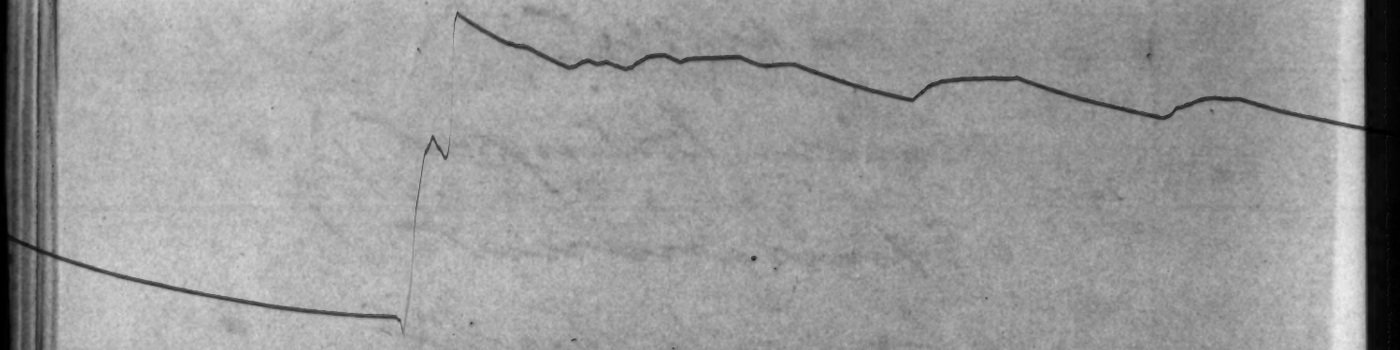
DEPARTMENT OF STATE
MAR 8 1887
RECEIVED.

No 280. One enclosure

Legation of the United States.
Peking, January 6th, 1887.

Hon Charles Denby.
to the
Secretary of State

Subject
Endorses Contingent
Expense Account
for Fourth Quarter
1886.



No 280 One enclosure.

Legation of the United States.
Peking, January 6th, 1887.

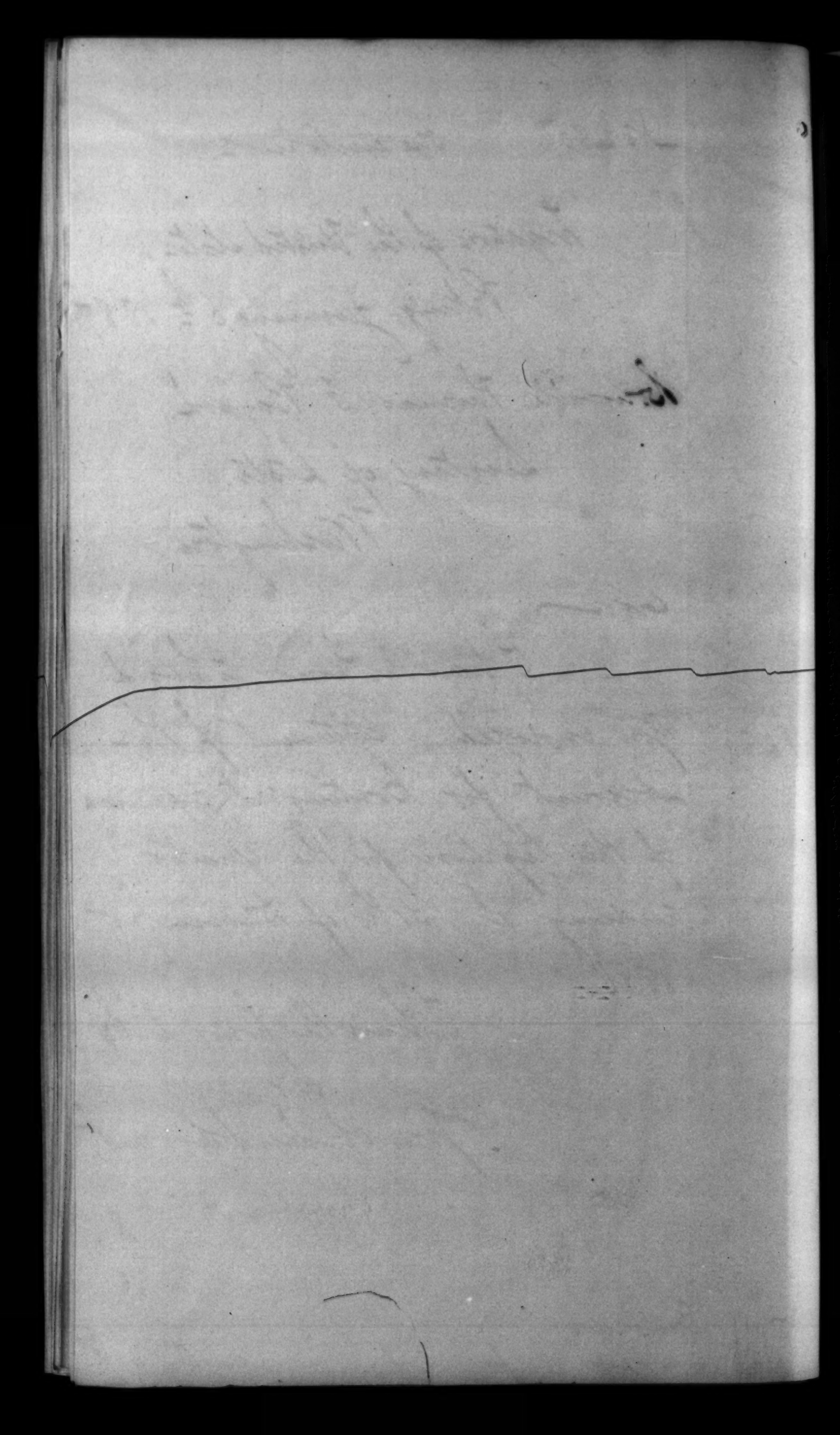
Honorable Thomas. F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to hand
1/280 you enclosed a statement of the
account for Contingent Expenses
of this Legation for the Quarter
Ending the 31st of December
1886.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure
Statement as above.



Copies for E.R. 1887.

W. Everett 8

No. 281.

DEPARTMENT OF STATE
MAR 7 1887
RECEIVED.

2d ASSISTANT SECRETARY.
Say we
ask and await Mr.
Denby's report as to the
MAR 7 1887 new tax on
Kerosene at Canton.
March 9. 87 Curtis.

Legation of the United States.

Peking January 6th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Tax on sugar in Formosa and on kerosene oil at Canton

Synopsis.

Encloses communication of the Yamên and remarks thereon.

One enclosure.

No. 281.

Legation of the United States.

Peking Jany 6th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to

1/ enclose herewith the reply of
81 the Yamên to my communication
relating to the tax levied on
sugar in Formosa, of which
a copy was sent you with
my despatch No. 260 of Dec 2nd
1886.

It will be seen that
the Yamên relies on Rule 7

of

of the Trade Convention of 1858 with the United States. The Yamên states that it has deputized officials to consult and arrange the matter. I will communicate the result.

I have to state in this connection that I have noticed in the public press that the Viceroy at Canton has levied a new tax on kerosene oil. When I receive official notice from the Consul, to whom I have written, I will protest against this outrage of Chang Chi Tung. I shall then largely avail myself of

your

your full argument in
your despatch No 46 of
March 8th 1886.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure.

1. Tsung-li Yamên to Mr.
Denby No 1/1887 Jan. 3rd 1887.

No 1/1887. Enclosure 1.

The Tsungli Yamên

to

Wm Denby

Peking, January 3rd, 1887.

Your Excellency:—

Sometime ago the Prince and Ministers had the honor to receive a communication from Your Excellency, in relation to the keeping of letters in Formosa, wherein you stated that it was important that the question be settled, &c,

At the time, the Yamên sent instructions to Formosa, calling for a report upon the subject, and, also acknowledged Your Excellency's despatch. This is a matter of record.

Now it appears that the collection of letters in the island of Formosa

is

it at present confined to one route (one road) Whenever foreigners ground inland and purchase native produce and do not apply for transit passes (to cover the goods in transitu) or, when they purchase native produce at the Treaty ports which have not paid Likin inland, - in these cases, it is right that the exaction of Likin should be levied on the goods. Since the collection of this tax is in lieu of the payment of the Duties, or transit tax, it cannot be regarded as the imposition of an additional Likin tax from foreign Merchants at the Treaty ports.

The plan adopted in Formosa is not at variance with the provisions of Article VII of the Trade Regulations, between the United States and China.

Further, it is not altogether unlike

the

the system governing the collection of likin in the other provinces, although there are, in the Formosa system, slight points of difference. Instructions have already been sent by the Yamen to the Authorities of Formosa, as well as to the Inspector General of Customs, to depute officers in Formosa to consult and properly arrange the matter.

It is duly hoped the Prince and Ministers deem this communication, in reply, for Your Excellency's information.

A necessary communication addressed to

H. E. Charles Denby
United States Minister.
Peking.

DEPARTMENT OF STATE
MAR 7 1887
RECEIVED.

to Dep. White
Mar 31. 87. MS

No. 282.

Mr Everett

Legation of the United States,
Peking January 7th 1887,

2D ASSISTANT SECRETARY.
acknd. Apr 2. 87.
cutler
MAR 8 1887

Asst Sec. F.R. 87.

Mr. Denby to the
Secretary of State

Subject.
Chungking Claims

Synopsis.

Cuclous final agreement by
Local Authorities to pay damages
for riot at Chungking last July.
Detailed account of Mr. F. S. A Bourne's
negotiations. Recounts his services
in this matter. Suggests that
some acknowledgement be made
of Mr. Bourne's services.

One enclosure.

No. 282.

Legation of the United States.

Peking, January 7th 1886.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir;

I have the honor to report that the losses of the Missionaries of the Methodist Mission at Chungking have been finally adjusted.

I enclose herewith a translation of the agreement made by Mr. Frederick S.A. Bourne, acting for me, with the Chinese Officials.

By

By the terms of this agreement the walls, masonry, pillars etc remaining on the property are to be preserved. The Missionaries are to return to Chungking and rebuild under the protection of the authorities when deemed advisable. The present sites are to be exchanged for others. Tls 23,000 are to be paid at specified times.

Mr. Bourne writes to H.B.M's Minister that the Local Authorities desired to insert in the agreement a period of delay in the Missionaries returning to Chungking but he refused to

to allow such a clause to be inserted. Mr. Bourne is still a quasi prisoner in the Yamên and the French Missionaries are barricaded in their house. As soon as the French commenced building our Missionaries can return. The Local Officials were desirous of inserting in the agreement a clause that the Head of the Ward chosen by the Literati and the Head of the Ward chosen by the people should control the selection of new sites. But Mr. Bourne would not consent, because the treaties do not warrant such an arrangement.

Mr.

Mr. Bourne has rendered us signal service in this matter. He has displayed great zeal, ability and kindness. There was no other person in Chungking who could attend to our business and no American was allowed to go thither.

The agreement has been submitted by me to the Superintendent of the Mission and has been approved by him. I have notified H.B. Ms Minister of my approval of the agreement. The matter may therefore be considered as having reached a favorable termination.

I am just in receipt

of

of your dispatch No. 118, of date Nov. 8th 1886. You therein authorize me to go to Chungking or to send thither Mr. Franklin or a member of this Legation. This a six weeks trip to go thither and I hope the necessity of sending anyone will not arise.

I remain simply to suggest that Mr. Bourne's services deserve some acknowledgement. Whether this acknowledgement should take the form of the thanks of the Department or of a communication from the President I leave to your

better

omit
* *

(better judgement.)

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Agreement as above (Sir.

John Walsham to Mr. Denby No 162/1887)

Copy. Enclosure 1 in No. 28.

Enclosure 1 in Mr. Bourne
of 11th Dec. '86 (to Sir John)

Proposed arrangement of the American case arising out of Ch'ung-king riots of 1st July '86.

The Acting Governor General of Szu Chuan, Yu, having deputed the Expectant Prefects Ho and Hang to arrange this affair at Ch'ung-king, together with T, Notai of Canton Szu Chuan, Kung, Prefect of Ch'ung-king, Fu and two Magistrates of the District of Ch'ung-king; and the Minister of the United States in China having requested the British Minister, Sir John Walsham Bart., to instruct Mr. Bourne, British Resident Consular Officer at Ch'ung-king to settle this case on behalf of (the American Minister) the above parties have now agreed to the following

following terms-

I. The Local Officials, civil and military are to take measures to preserve all that remains on the American sites within the city ie the Tai-chia-kang and the Chin-lung Kang, walls, masonry, pillars etc. Damage to this property will not be allowed.

2. The American Missionaries are to wait until the district is quiet and men's minds quite settled before rebuilding their homes in the city. As soon as it is advisable for foreigners to build in the city the Local Officials, Civil and Military, will extend strenuous protection to the Missionaries and will appoint police to look after them.

3. The American Missionaries paid originally Rs 2300 for the

the site at Ts'-kang-chiang and Hs 200 for the site at Liang-feng-ya, exclusive of the stamp duty. As the people are not willing that the American Missionaries should build on these sites it is now decided that these sites shall be given up in exchange for others according to Mr. Yamaoka's letter to Kwa Jaotai, dated 12th July last. As soon as suitable sites have been found a fair purchase price will be decided; if the price is more than Hs. 2500 the American Missionaries will make good the balance and if the price is less than Hs. 2500 the Local Officials will make good the balance. After the purchase has been completed the sites at Ts'-kang-Chiang and Liang-feng-ya will be given up and the foreign

grave -

grave at I-kang Chung will be moved over. Then the district outside (the city) is quite settled and the American Missionaries build on the new sites given in exchange, the Local Officials Civil and Military, will again take strenuous measures to protect them.

4. The list of losses made out at the time by Mr. Cameron amounted to Hs 28000, exclusive of the value of the four sites. Now that the affair is being settled by way of compromise the American Minister is willing to reduce the amount to be paid in compensation. It is promised that Hs 23000 note silver by the Chung-king balance shall be paid: Hs 5000 in the 12th month of this 12th year of Kuang-hsü;

Hs

Hs 6000 in the 3rd month;
Hs 6000 in the 6th month,
and Hs 6000 in the 9th month
of the 13th year of Kuang-hsü.
5. Both parties will report
the above terms to their
superiors for their approval
settling the case.

Signed —

Dated 10th Dec: 1886. Tsōlai
Prefect
Magistrate
Mr. Bourne.

True translation
(signed) T. S. A. Bourne.

file

DEPARTMENT OF STATE
MAR 7 1887
RECEIVED.

Mr Everett
6

No. 283.

Legation of the United States.
Peking January 7th 1887.

Mr. Denby to the
Secretary of State

Subject.
Acknowledging receipt of
despatches.

No. 283.

Legation of the United States.

Peking, January 7th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches No. 117 of November 6th and No. 118 of Nov 8th 1886.

I have the honor to state that the proper steps for Mr. Smithers recognition as United States Consul at Tientsin have been taken.

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Mr Everett

DEPARTMENT OF STATE
MAR 7 1887
RECEIVED.

No 284. One enclosure.

ASSISTANT SECRETARY.
ch by No. 4 file
MAR 8 1887

Legation of the United States.
Peking, January 8th, 1887.

W. Charles Denby.

to the

Secretary of State

Washington.

New year calls of Chinese officials.

No 284 one enclosure.

Legation of the United States.

Peking, January 8th, 1887.

Honorable Thomas F Bayard.

Secretary of State.

Washington.

Sir:—

I have the honor to inform the Department that yesterday the Prince and Ministers of the Tsungli Yamen, accompanied by some of the Presidents, Vice Presidents, and other high officials connected with the various Departments in Peking, whose names and rank are given in the enclosed list, called at this Legation to offer their wishes for the New Year. I entertained them at an informal repast.

The interview was of a most cordial and friendly nature. I took occasion to express the hope that the amicable relations which so happily existed between

284.

between the two nations would be strengthened during the coming year. These sentiments were heartily reciprocated by the Prince and Ministers who stated that they were pleased to observe that the diplomatic relations with the Foreign office during the past year had been conducted by me in a spirit of fairness which they regarded as an index that all future questions would also be treated in like manner.

I have the honor to be,
Sir,
Your obedient Servant.
Charles Denby

Enclosure
1. List giving names and rank of Chinese officials as above

Enclosure 1.

List of Chinese Officials who called at the United States Legation on January 7th 1887. to pay their New Year respects on the United States Minister.

Prince Ching. President of Foreign Office, South Director of the Imperial Clan Court and Grand Chamberlain.

Su Yuen. Minister of Foreign Office, Assistant Grand Secretary of State and President of the Board of Revenue.

Kui Chun. Minister of Foreign Office and President of Board of Civil Office.

Kui Jung. President of Board of Civil Offices and Chancellor of the Han Lin College.

Shih Yuen. Senior Vice President Board of Civil Office.

Lung Yuri. Junior Vice President, Board of Civil Office.

Wëng Tung Ho. President of Board of Revenue.

Kao Shen. Senior Vice President do. do.

Ching Chan. Junior do. do. do.

Li Hao Yuen. President Board of Ceremonies.

Hsü Fu. Senior Vice President do. do.

Ching Hsin. Junior do. do. do.

Lung Kua. do. do. do. do.

Hsü Kang Chen. Minister of Foreign Office, Junior Vice President Board of Punishments and acting President Board of War.

Wëng chi Tsë (Marquis Weng) Minister of Foreign and Senior Vice President Board of War.

Kao Hsien. Senior Vice President Board of War.

Shih Wëng. Junior do do do

Liao Shou Wëng do do do do

and Minister of Foreign Office.

Lin Shu. President Board of Punishment

Hsü Chuen. Senior Vice President do. do.

Kuei Jün Chëng. do do do

Sun Yü Tün. Minister of Foreign Office
and Senior Vice President Board of Works.

Wu La Pu. do. do. do.

Kü Yung I. Junior do. do. do. and
Minister Foreign Office.

Shung Li. Senior Vice President Colonial Office.

Wen I. Junior do. do. do.

I Wen. Senior do. Censorate.

Ying Kü. Junior do. do.

Pi Kuan do. do. do.

Kü chang. Minister Foreign Office,
Asst Chancellor of the Grand
Secretariat, and Junior
Vice President Board of Punishment.

Shin Ying Chêng. Minister Foreign Office,
and Asst Chancellor of
the Grand Secretariat.

Annex as Inclosure 2 in Mr. Mason's note of March 11 1887

DEPARTMENT OF STATE
MAR 8 1887
RECEIVED.

mr Everett
10

No. 285.

Legation of the United States.
Peking January 18th 1887.

Mr. Denby to the
Secretary of State

Subject.
Responsibility of Chinese Govt.
for acts of mobs.

Synopsis
Supplementing No. 274 of Dec. 20'86
Mr. Denby cites Art. XXXVI of French
Treaty of 1860 to show that
China has assumed liability
to pay damages for acts of mobs etc

No. 285.

Legation of the United States.
Peking January 10th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

I have the honor to state that I desire to supplement my despatch No. 274, of date Dec. 20th 1886, on the question of the right of citizens of the United States to claim damages from the Chinese Government for wrongs and injuries by the following observations.

The

The French Treaty of 1860, Art. XXXVI, after providing that China shall take the necessary measures for the defence and protection of French subjects concludes with these words "the whole "without prejudice to the "claims of the French subjects "to be indemnified for proved "losses".

No such clause is found in any of our treaties with China but under the favored nation clause we can avail ourselves of it. No such obligation is anywhere laid on the United States.

I have the honor to be, Sir,
Your obedient servant
Charles Denby

DEPARTMENT OF STATE
MAR 8 1887
RECEIVED.

No. 286.

Mr. Everett 9

Legation of the United States
Peking January 10th 1887.

Mr. Denby to the
Secretary of State

Subject.
Camphor trade of Formosa
made a Government monopoly.

Synopsis.
Mr. Denby shows illegality
of this procedure. Has
directed Consul at Amoy to
take up the question. Will
visit Formosa in the spring.

No. 286.

Legation of the United States.
Peking January 10th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to report that I have received from the Consul at Amoy a notice that the Local Authorities of the Island of Formosa have made a monopoly of the camphor trade of the island. By this regulation sale of camphor by private producers is prohibited, the

Government.

Government alone buys and sells camphor; the custom of giving transit passes is abolished.

Mr. Crowell writes that he has brought this matter to the attention of the Department. I have instructed him that under Articles XIV and XXVII of the French Treaty of 1860 the augmenting of the number of articles reputed contraband or subjects of monopoly is prohibited. The text of Article XXVII is "The Chinese "Government renouncing therefore "the right of augmenting the "number of articles reputed "contraband or subjects of

monopoly

"monopoly" any modification
"of the Tariff shall be made
"only after an understanding
"has been come to with the
"French Government and with
"full and entire Consent."

It is further to be noted that in all the Treaties for the Regulation of Trade contraband goods are specified. See Rule III of the Treaty with the United States which prohibits trade in munitions of war and salt only. In all Trade Conventions Camphor is specified in the list of imports and exports and a duty is affixed.

I conclude that the proposed monopoly of camphor is prohibited by the treaties. Owing to the peculiar form of the Chinese Government as it relates to the provinces, and for other reasons, I have adopted the rule of requiring the Consuls in the first place to endeavor to settle with the Local Authorities all questions arising in their jurisdiction. I depart from this rule, as in the case of the Chungking riots, in those localities only where there is no Consul. If the Consuls are unable to procure redress

I this present the question to the Tsung-li Yamên. I have, therefore, instructed Mr. Croswell to present his objections fully to the Local Authorities.

The pending of this and other matters render it eminently proper that I should avail myself of your permission to visit Formosa in the spring. I have requested the Admiral on this station to place a vessel at my disposal for this purpose.

All of which I respectfully submit for your approval.

I

Omit
* *

I have the honor to be

Sir

Your obedient servant,

Charles Denby

Mr Everett



No 287. One Enclosure.

Legation of the United States.
Peking, January 12th, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject
Transmits Rent Account for
Fourth Quarter 1886.

No 287. One Enclosure.

Legation of the United States.
Peking, January 12th, 1887.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:— I have the honor to transmit herewith a statement of the Rent Account of this legation for the Quarter ending December 31st, 1886.

I have the honor to be,
Sir,
Your Obedient Servant,
Charles Denby.

1/287.

Enclosure 1
Statement as above.

Confidential.

For. Rel. 1887.

DEPARTMENT OF STATE
MAR 7 1887
RECEIVED.

No. 288.

Legation of the United States.

Peking January 12th 1887.

2D ASSISTANT SECRETARY.
Ack by No. & file
MAR 8 1887

Mr. Denby to the
Secretary of State

Subject.

American railroad projects in China.

Synopsis

Progress in the construction of railroads checked temporarily by opposition of Censors. Two American experts employed to exploit iron mines in China.

Disappointment of Mr. Denby at delay. Necessity of resident commercial agents in the obtaining of contracts. Methods of French Syndicate.

Confidential

No. 288.

Legation of the United States.

Peking January 12th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington. D.C.

Sir:

I have the honor to report on the present condition of the railroad question in China. [(As I have heretofore notified you plans had been perfected for the construction of a railroad between Tientsin and Tacu. The engineers and all necessary material were to be

omit * *

be sent out in the spring. But the opposition of the censors has again been successful. They memorialized the Throne exposing the plans of the Viceroy Li Hung Chang and General Wilson. They detailed every species of anticipated evil, the control of China by foreigners, the desecration of graves, the deprivation of the means of subsistence to the people. At the last moment it was ordered that all railroad enterprises should be suspended.

The Americans have, however, succeeded in securing the employment of an iron

expert

expert and a chemist
for three years at a
salary of $12500 gold and
expenses of travel both ways,
and while in China. These
gentlemen are to exploit
the iron mines in this Province
first and afterwards in
adjoining Provinces. The
announced plan is that
China is to manufacture
her own rails, and, having
succeeded in securing
material at home, she is
to build railways. This
employment was much
coveted by the English,
German and French. It is
undoubtedly a matter of
gratulation

gratulation that it has fallen to Americans as it may be regarded as an opening wedge, an initial step which may lead to important results. [But I confess to a deep sense of disappointment at the enforced delay in the realization of schemes which I have ridiculously, as an individual, sought to forward. There was an abundance of intelligence, legal and engineering, commercial shrewdness, and personal management displayed by a small coterie of Americans. But funds were wanting for the

Omit * *

the complete consummation
of the purposes desired. Our
countrymen must understand
that in matters of competition
here there must be resident
agents at all times pressing
their views, living in some
state, and commanding
considerable money to be put
where it will do the most
good. The Frank Syndicate
adopted this plan. They
built the finest house in
Tientsin, laid down and
equipped an experimental
railroad, had excellent
engineers in attendance. In
the matter of Port Arthur
Mr. Hoisington was able
personally

omit
* *

personally to point out
errors in the works, to show
his plans and verbally
to explain the works that
he proposed. The Syndicate
lived luxuriously, entertained
largely and succeeded in
securing the contract of Tails
1,100.000 for the Port Arthur
works. They had besides
the advantage of offering
as a douceur the surrender
of the present location of the
Pehtang which the Empress
ardently desired.

Omit * * *

I do not despair
of the building of railroads
in China. The question will
recur again and again.

The

The influences surrounding the Emperor are progressive. The use of steam, the telegraph and modern arms and military and naval science have won their way over just such opposition.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

File

Mr Everett
22



No. 289.

Legation of the United States.
Peking January 14th 1887.

Mr. Denby to the
Secretary of State.

Subject.
Death of ex-President Arthur

No. 289.

Legation of the United States.

Peking January 14th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your Circular, bearing date Nov. 18th 1886, announcing the death of ex-President Chester A. Arthur and directing appropriate expressions of honor to his memory. Your directions will be complied with.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
MAR 8 1887
RECEIVED.

No. 290.

Mr Everett 9

Legation of the United States

2D ASSISTANT SECRETARY.
MAR 8 1887

Peking January 14th 1887

Mr. Denby to the

Secretary of State.

Subject.

Presentation of requests to the Chinese Govt for presents on behalf of citizens of the U. S.

Synopsis

The New England Conservatory of Music requests Mr. Denby to forward to the Chinese Govt. a request that a collection of Chinese musical instruments be presented to the Conservatory. Gives reasons for delaying action.

One enclosure.

No. 290.

Legation of the United States.

Peking January 11th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to report that the New England Conservatory of Music of Boston Mass. has sent me, under date of Dec. 1st 1886, a communication addressed to the Secretary of State of China. His society also requests me to bring the matter therein stated to

the

the attention of the
Government. -

The communication
states that the New England
Conservatory of Music desires
to found a cabinet which
shall contain a complete
collection of the native
musical instruments of all
nations. The managers,
therfore, solicit the Chinese
Government to send them
a specimen of all the
instruments which may be
considered peculiar to China
or her people.

My views of public
duty have constrained me
to postpone any action until
the

the matter has been submitted
to you for instructions.
I enclose herewith a copy
of my answer to this request.
I have my doubt as to the
propriety of the official
representative of the Government
giving sanction to such a
request upon the concluding
sentence of Article VII of the
Treaty of 1858 which is
copied in the letter to Mr.
Frost.

To my mind there is
much difference in principle
between the interchange by
the two Governments of books,
charts, reeds, and like
articles and the asking for
the

the bestowal on individuals or private corporations of valuable presents. It may be said that I need only forward such communications without my endorsement. But a punctilious and ceremonious Government like that of China would conclude from the fact of my forwarding such a request that my Government endorsed it. A refusal would be mortifying to me personally and somewhat derogatory to my Government. If acceded to some proper return might be expected for the making of which there is no provision made by law.

Although

Although my course may appear incongruous to my fellow citizens, whom I would always serve with pleasure, still I prefer to await your instructions before taking any action.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Mr. Denby to Mr. Frost
Mis: 3/1887 Feby 14th 1887.

Copy

Enclosure 1 in No. 290.

Mr. Denby to Mr. Rufus Frost

New England
Conservatory of Music
Boston, Mass

No. M 3/1887.

January 14th 1887.

Sir:

Your communication of Dec. 1st 1886 requesting me to present to the Secretary of State of China a request that the Chinese Government will donate to the New England Conservatory of Music a collection of specimens of all the musical instruments which may be considered peculiar to China and her people has been received. You also desire me to use my influence to accomplish your purpose.

Your scheme is interesting and meritorious but I doubt whether it is proper for the official representative of the Government

to

to make such a request. The Treaty of 1858 provides that "No presents under any "pretext or form whatever "shall ever be demanded of "the United States by China "or of China by the United "States."

I have, therefore, concluded to take no action until I have received the instructions of the Secretary of State.

I am, Sir,

Your obedient servant,

(signed) Charles Denby

Mr. Everett
22

Rec'd on pm aaa's route

DEPARTMENT OF STATE
MAR 22 1887
RECEIVED.

No. 291.

Legation of the United States.

2D ASSISTANT SECRETARY.
Acker. March 23 87
MAR 22 1887

Peking January 18th 1887.

Mr. Denby to the

Secretary of State

Subject

Import duty and levies on opium.

Synopsis.

Encloses a dispatch from Yamen announcing that England & China have agreed on a duty of Taels 110 per chest on opium. Mr Denby calls attention to the importance of legislation by Congress to carry out opium clause of treaty.

One enclosure.

No. 291.

Legation of the United States.

Peking January 18th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to

1/291 enclose herewith a translation of a despatch from the Tsungli Yamên informing me that by agreement with Great Britain the import duty and Lekin tax on opium has been fixed at Taels 110 per chest. Opium is after paying this duty to be relieved from

further

further taxation. The opium business in China is mostly in British hands. It is supposed that Germany will consent to this arrangement. Should she fail to do so some trouble might ensue. Her subjects might insist on paying 80 Taels import duty and take the chances on the lekin tax. This would lead to smuggling into the interior which China wishes to prevent.

In connection herewith I may be permitted again to express the hope that the present Congress will enact the necessary legislation

on

on the opium question. The moral influence of this Legation has alone prevented breaches of the treaty stipulations. The question is liable to come up in various forms, and has already several times been united. American merchants make tentative efforts to evade the strict provisions of the treaty. The Chinese on the other hand are very jealous of their treaty rights. At any time disorder may arise at one of the Treaty Ports and the representatives of the Government are powerless to prevent any

infraction

infraction.

Very serious consequences, it seems to me, follow the inaction of Congress. No principle is better settled in the United States than that a treaty made and ratified by the President with the advice and consent of the Senate is "the supreme law of the land," and Congress is bound to pass the laws necessary to carry the treaty into effect. Each Department of the Government must discharge its appropriate function toward the performance of whatever the Nation has bound itself to do.

must
x x

a

A refusal by Congress to pass the necessary legislative acts is a material breach of the treaty and may be so regarded by the other party. This is the language of Wheaton, § 266 Ed. of 1866, He further says (§ 250) the violation of any article of this treaty is the violation of the whole treaty. The violation of a single article abrogates the whole treaty if the injured party so elects to consider it.

The treaty provides that it "shall be enforced "by appropriate legislation "on the part of China and "the United States". It was ratified

omit * *

ratified by the President and Senate in May 1881, and proclaimed Oct. 5th 1881 more than five years ago. In view of the relations existing between the two countries, I should regard a discussion by this Legation, in answer to complaints of the Chinese Authorities that our citizens were engaged in selling, transporting or storing opium, that the United States had failed to enact proper legislation to prevent their acts, as peculiarly mortifying to our dignity as a Government. I write out of abundance

of

of caution, but I hope that such legislation will have been enacted before this despatch reaches you.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Zungli Yamen to Mr. Denby No. 3/1887 Jan. 15th 1887.

Enclosure 1 in No. 291.

No. 3/1887.

Peking January 15th 1887.

Tsungli Yamên

to Mr Denby

Your Excellency:

The Prince and Ministers have the honor to inform Your Excellency that some time since the Government of China entered into an agreement with the Government of Great Britain fixing the import duty and likin tax on opium, the same to be collected under special regulations.

The Yamên in conjunction with the Board of Revenue memorialized the Throne in the matter of fixing the time when the collection of this duty and tax should come into operation. It has now been decided that

that on and after the 1st of February 1887 the duty and likin on opium to be collected alike at all the treaty ports shall be 110 Taels per chest.

Now besides having communicated with the customs or tax establishments in all the provinces and instructed the Inspector General of Customs to notify the Commissioners of Customs (at all the Treaty Ports) to act accordingly, as in duty bound the Prince and Ministers send this communication for Your Excellency's information.

A necessary communication addressed to

His Excellency
Charles Denby

&c &c &c

DEPARTMENT OF STATE
MAR 22 1887
RECEIVED.

Dep. Mr Everett 12

Legation of the United States.

Peking January 20th 1887.

Chas. Denby Jr. to the

Secretary of State

Subject.

Salary account.

One enclosure.

Sep.

Legation of the United States.
Peking January 20th 1887.

To the Honorable
Thomas F. Bayard,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to
1/ enclose herewith a duplicate
statement of my salary
account for the quarter
ending December 31st 1886,
against which I have drawn
my draft on Messrs. Brown
Shipley & Co, London, in the
usual way.

I have the honor to be, Sir,
Your obedient servant,
Chas. Denby Jr.
Second Secretary.

Enclosure
1. Statement as above.

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

Sep.

Legation of the United States,
Peking January 29th 1887.

Chas. Denby Jr. to the
Secretary of State

Subject
Exchange account.

One enclosure.

Sep.

Legation of the United States.

Peking January 29th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to enclose herewith statement of my account for loss by exchange for the year Jan. 1st to Dec. 31st 1886. Against this I have drawn my draft on the Honorable Secretary of State in the usual manner.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Second Secretary

Enclosure

1. Statement as above

Mr Lowell 2
DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

No. 292.

Legation of the United States.
Peking, February 1st, 1887.

W. Rhodes Dudley.

to the

Secretary of State.

Subject.

Acknowledging
despatches.

No 292.

Legation of the United States.
Peking, February 1st, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to acknowledge the receipt of the Department's despatches numbered 119 to 129 inclusive, the last dated December 4th, 1886.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

file

Mr Everett



No 293.

Legation of the United States.
Peking, February 1st, 1887.

W. Sharon Brady

to the

Secretary of State

Subject.

Shang Tsing Riot claims.

No 293.

Legation of the United States.
Peking, February 1st, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

In further reply to your despatch No 124 of date the 29th of November 1886, I have the honor to state that as has already appeared to you by my despatch No 282, of date January 7th, ultimo, the damages have been paid or arranged in the matter of the Shungking riot.

Nevertheless the first argument contained in your despatch may hereafter be applicable.

I have the honor to be,
Sir,
Your obedient Servant.

Charles Denby

file

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED

W. Everts
31

No 294.

Legation of the United States.
Peking, February 4th, 1887.

2D ASSISTANT SECRETARY.
Ack by No. & file.
MAR 31 1887

Mr. Charles Denby
to the
Secretary of State

Subject

New year call on Chinese officials by the Foreign Ministers

Synopsis.

Mr. Denby gives an account of the above.

No 294.

Legation of the United States.

Peking, February 4th, 1887.

Honorable Thomas F. Bayard.

Secretary of State,

Washington.

Sir:—

I have the honor to inform you that on the 2d instant, the Diplomatic Representatives of all the Legations in Peking visited the Tsung li Yamên to pay their New year respects to the Prime Ministers and to the high officials representing the other Governmental Departments at the Capital. There was a very elaborate entertainment prepared in Chinese style consisting of fruits and preserves and the Prince

was

was supported by about forty high officials of the Empire.

In conversing with my colleagues and myself the Prince and Ministers were very cordial and expressed themselves in terms of satisfaction upon the happy relations which prevailed between China and the nations represented.

His Excellency, Mr von Brandt, German Minister and Dean of the Diplomatic Corps proposed the health of Their Imperial Majesties the Empress and Emperor, adding that he felt assured he represented the sentiments of his colleagues in saying that they all wished China, her rulers, and people, every felicity during the coming year.

year.

His Imperial Highness replied, through Marquis Tseng, thanking Mr. Von Brandt and his colleagues for their good wishes and for proposing the health of their Majesties, the Empress and Emperor, and at the same time proposed the health of the Chief Rulers of the foreign countries represented. This toast was drunk in the usual manner.

I, then proposed the health of the Prince, Ministers, and other Chinese officials present. Which was responded to by the Prince, through the Marquis Tseng, who in turn proposed the health of the foreign Ministers present.

I

I may add that the reception, which lasted about an hour, was one of the most pleasant I have attended here.

I have the honor to be,

Sir,

Your Obedient Servant.

Charles Denby

Mr Everett

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

No 295. One enclosure

Legation of the United States.
Peking, February 5th, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject.

Transmitting Duplicate Statement of Contingent Expense Account for Quarter Ending December 31st 1886.

No 295. One enclosure.

Legation of the United States.

Peking, February 5th, 1887.

Honorable Thomas F Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to enclose
duplicate statement of the account
for Contingent Expenses of this Legation
for the Quarter Ending December
31st, 1886.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1.

Statement as above.

Mr Everett

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

No 296. One Enclosure.

Legation of the United States.
Peking, February 5th, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject

Transmitting Duplicate
Rent Account for 4th Quarter
1886.

No. 296. One enclosure.

Legation of the United States.

Peking, February 5th, 1887.

Honorable Thomas F. Bayard.

Secretary of State,

Washington,

Sir:—

I have the honor to enclose
296. duplicate statement of the
Rent Account of this Legation
for the Quarter ending December
31st, 1886.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1

Statement as above.

Mr Everett

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

No 297. One Enclosure

Legation of the United States.

Peking, February 5th, 1887.

Mr. Chester Darby

to the

Secretary of State

Subject

Transmitting duplicate Telegram

Account to December 31st, 1886.

No 297. one enclosure.

Legation of the United States.

Peking, February 5th, 1887.

Honorable Thomas F. Bayard.

Secretary of State.

Washington.

Sir:—

I have the honor to enclose
duplicate statement of the Telegram
297. account of this Legation up
to the 31st of December 1886.

I have the honor to be,

Sir,

Your obedient Servant

Charles Denby

Enclosure 1.

Statement as above.

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

No 298. one enclosure.

Legation of the United States.
Peking, February 7th, 1887.

W. Charles Denby
to the
Secretary of State

Subject.
Transmitting Legation
Repair account for
1886.

No 298. One enclosure.

Legation of the United States.
Peking, February 7th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to transmit herewith, a statement of the moneys expended for repairs upon the premises of this Legation during the year 1886.

1/298.

As I understand it, this statement need not be forwarded to the Treasury Department. It is merely filed with the Department of State, and the Legation, in order to show that the terms of the lease, which provides for the annual expenditure of $600. upon the property in repairs, etc: have been faithfully complied with.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

Enclosure 1.
Statement of Repairs Account of Legation premises for 1886.

The United States Legation in account

86.	From January 1st 1886			$	c.
Dec 31	To paid Langhang as per Voucher	A			4 30
	" " W R Landstrom	"	" C		535 74
	" " F Ahern	"	" D		12 -
	" " Kinghor	"	" E		74 63
	" balance forward at Credit.				22 70
				$	649 37

Legation of the United States
Peking, December 31st 1886

for Repairs.

1886.	to December 31st 1886			Cr.	
January 1	By amount forward from last year account				4937
December 31	" amount allowed for repairs as per bears				600 -
				$	6493 7

E.O.E

Charles Denby
United States Minister

A

The United States Legation
To Yang Sung Ho Dr.
9th 1906 To Setting gratenic
Minister's office $4.30

Received Payment 楊增和收

B.

Peking Oct 26th 1886.

Received from the Honorable Charles Denby, United States Minister

the sum of Five Hundred and thirty five Dollars and seventy four cents

being amount expended in repairs ordered and sanctioned by me to the premises occupied by the United States Legation at Peking up to date.

W.R. Lambuth.

Agent for the Attorney of the Estate of the late S. Wells Williams.

C.

Received. December 20th 11th 1886 the sum of twelve dollars for repairing the floor of the Reception Room at the United States Legation.

德順木廠收

(signed) Ti Shun

D.

Peking, January 22nd 1887.

Received from Charles Denby the sum of Seventy four dollars and Sixty three cents in full payment for Japanese Ministers House and servants Quarters 1886

(Signed) Hsing Ho

典

DEPARTMENT OF STATE
MAR 31 1887
RECEIVED.

2D ASSISTANT SECRETARY.
Ack with approval of any measure tending to
MAR 31 1887 the expansion enhancement of Commercial privileges with China. ap. 6. 87 cr/bs

No. 299.

Legation of the United States.

Peking February 8th 1887.

Mr. Denby to the

Secretary of State.

Copy with 318 to. Navy Dept. for its information, Ap. 13, 1887 cr/bs.

Subject.

The Tsoeung Bar.

Synopsis

Mr. Denby encloses copy of his despatch to the Tsung-li Yamên urging the necessity of dredging the Tsoeung Bar.

One enclosure.

No. 299.

Legation of the United States.

Peking February 8th 1887

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to

enclose herewith a copy of

1/299 my dispatch to the Foreign

Office on the subject of the

removal of the Woosung Bar

in the Wangpu River near

Shanghai. Similar communications

will be sent by each foreign

representative.

I have the honor to be,

Sir

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Mr. Denby to Tsung-li Yamen No. 3 Feb. 8th 1887.

Enclosure 1 in No. 299.

Mr. Denby to the Tsungli Yamên.

No. 8 February 8th 1887.

Sir:

Your Imperial Highness and Your Excellencies:

I have the honor to inform Your Imperial Highness and Your Excellencies that the foreign merchants and ship-owners at Shanghai have again petitioned the foreign ministers to bring before Your Imperial Highness and Your Excellencies the necessity of dredging the Woosung bar.

I can not fail to comply with this request because I believe that the interest no less of China than of the mercantile classes demands this improvement.

I am aware that the subject

subject has been heretofore on several occasions brought to the notice of Your Imperial Highness and Your Excellency. But observation and experience have taught us that nothing is ever settled until it is settled aright.

Shanghai, if not such already is surely destined to be one of the great cities of the world. She occupies the most fortunate position midway of the Asiatic coast with no possible rivals near her, looking towards America and Japan with the great Yangtze tributary to her. She is the great central port of China to which trade gravitates as naturally as the commerce of the world gravitates to London or of America to New York. Her imports and exports

exports largely exceed all those of the other ports of China. Her shipping is enormous. The ships of every nation visit her port.

There is no possible contingency which can ever deprive Shanghai of her pre-eminence over other cities. Nature has by the configuration of the continent and the flow of the Yangtze, which pours its vast flood nineteen hundred miles through the heart of China, determined her the location of a great city.

If these statements be true is it not just to the people of this city, and of China whose commercial capital she is, that every facility should be afforded to the great trade which finds its chief mart at

Shanghai

Shanghai?

For many years the Woosung bar has been a detriment and injury to commerce. Detentions of ships occur then and heavy expenses are entailed on their owners. The bar could be dredged out at a comparatively small expense considering the ends to be accomplished. Your archives and those of all the Legations are replete with scientific reports showing the necessity for this work and the facility with which it can be accomplished.

Heretofore an objection has been made that this bar was necessary as a protection in time of war. But China now has a fine navy and her own ships would be excluded as well

as

as the ships of the enemy. Besides the progress of the science of warfare has devised other and more efficient means to protect harbors. The present torpedo system insures absolute protection against an attacking fleet of any tonnage.

The greater the size of the ships which can ascend the river the greater the tonnage dues collected. The greater the facilities for trade the more trade there will be. The cost of trans-shipment of freight is a very serious item to large vessels. The danger of affecting the current to the disadvantage of native vessels by removing the bar has been disposed of by scientific observers.

I do not deem it necessary in this communication to go over the whole ground in favor of the improvement that is now petitioned for. Your Imperial Highness and Your Excellencies are thoroughly posted on all phases of the question. I desire simply in conjunction with my colleagues to call your attention to the matter and to beseech you as well for the sake of the best interests of China as for that of the general commerce to take immediate steps to have this bar removed.

I have the honor further to suggest that a work of so important a character as the improvement of the Haugpu River should be entrusted to the authorities who control the harbor or

. that

that they should be consulted in determining on the plan of improvement and the best scientific aid should be secured.

Mr Wharton



& Mr Everett

15

Rec'd Apr. 18. 1887

No. 300.

Legation of the United States.

Peking February 8th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Legislation on opium.

Synopsis.

A presentation of the circumstances existing in China and suggestions of a bill to be enacted into a law.

See Senate Bill 3044.

[PUBLIC—No. 67.]

An act to provide for the execution of the provisions of article two of the treaty concluded between the United States of America and the Emperor of China on the seventeenth day of November, eighteen hundred and eighty, and proclaimed by the President of the United States on the fifth day of October, eighteen hundred and eighty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited. Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

SEC. 3. That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by both such punishments, in the discretion of the court. The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law. Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China.

Approved, February 23, 1887.

No 300.

Legation of the United States.

Peking February 8th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to submit a few suggestions on the opium question.

I should not trouble you with any more observations on this subject were it not for an intimation contained in your despatch No 105 of date Sept 21st 1886, to the purport that it was likely that Congress would

would not be able during this, the short session, to pass any opium bill. The great length of time, exceeding four months, which elapse between the sending of a dispatch and the receipt of an answer is a continual embarassment. I am aware that this dispatch will not reach you until after the adjournment of Congress. But discussions of principles underlying governmental action can never be entirely useless. And should no bill have passed the present Congress the ideas herein expressed may be of some advantage in framing a law.

An

As a diplomatic officer I have accepted the Treaty of 1880 as the fundamental law and recognized the duty of all Departments of the Government to enforce it. As to whether its provisions are good or bad expedient or inexpedient are not questions for me to discuss. The legislator however, would take such questions into consideration in determining the provisions of any proposed legislative act. He would extend or limit by construction the language of the treaty according to the ideas he might entertain of the justice

of its various clauses. My ideas of the sphere of Government are more or less controlled by my legal education. I do not regard it as within the proper sphere of Government to enter into a purely moral crusade or become the propagandist of disputed and debatable theories involving men habits and modes of life. Such a policy pushed to its ultimate extent would revolutionize commerce. I may say without imprudence that it is simply impossible to operate a government upon purely religious or pseudo-moral

lines

lines. Desirable as Christianity is as a rule of faith the execution of its tenets literally would annihilate society. A government cannot forgive its enemies, that is criminals, seventy times seven times, nor turn the other cheek to those who smite it. Nor can, as I conceive, a government properly control by legislation men personal tastes and habits.

I make these observations as introductory to this statement: that in legislating on the opium question it is proper to consider all the circumstances now attending

attending the traffic therein in China.

It is to be remarked that the position of the United States is peculiar. She stands solitary and alone among the nations in her prohibition to her citizens of the right to deal in or transport opium. I do not doubt that the use of opium is a great curse and evil. But many persons here make little difference between opium, wine, alcohol and tobacco. There is in China an organization, called the Tai-li Society, which pledges its members against the use

of

of opium, drink, tobacco and against gambling. Nothing can be said against the right to create such societies and perhaps little against their beneficence as long as they act on individuals. It is only when their members invade the true limits of governmental control and demand legal interposition that their action becomes debateable.

I am determined not to be drawn into any Quixotic support of principles, which however admissable they may be in private life, do not enter into the purview of the

just

just powers or duties of
government. The ultimate
decision of what articles
of trade shall be admitted
into China rests with her
absolutely.

The attitude of the
Chinese Government at the
introduction of opium was at
the beginning intensely
antagonistic thereto. It destroyed
all opium in 1841 and
what is called the "opium
war" resulted. It afterwards,
without special regulation
of the traffic, connived at
the introduction of opium.
It permitted opium to be
landed under the eyes of
its

its Customs officials bid no trace of its importation was ever found on official records. In some provinces the Viceroys forbade the cultivation of the popy, in others they encouraged it. Today, as my despatches have informed you, China has completely legalized the importation of the drug, has taxed it once for all Hs 110 the chest and removed all likin dues. Financial considerations have overborne all opposition.

At a late meeting of the Missionary Society, composed of all the missionaries in

in Peking and of several gentlemen who were originally missionaries but are so no longer, Mr Reed was vigorously denounced for yielding to Lord Elgin, and not introducing a prohibitory clause in the Treaty of 1858. Mr. Reed, as I understand, omitted such clause on the distinct ground that China had the power to regulate the question, that nothing in the Treaty forbade exclusion and that unless China did permit its importation opium could not be imported.

It is to be further observed

observed that the prohibition to our merchants and common carriers to handle opium results in many vexatious complications. It is said that during the time that Russell & Co owned the line of steamers which they afterwards sold to the China Merchants Company the question of transporting opium was evaded by forming a "pool" with other lines. But the freight money all went into the pool. It has been further evaded, as I suspect, by various devices practiced whereby English clerks, agents and even

partners

partners have ostensibly carried on the business for themselves. But it is difficult to believe that the clerks took the profits.

In my position I must ascertain the best I can the meaning of the treaty. My decisions must rest on the principles of law which control the interpretation of written instruments.

In the first case which came before the Supreme Court, Ware v Hylton, 1 Curtis 184, the Court used this language:

"The intention of the
"framers of the treaty
"must be collected from

a

"a view of the whole
"instrument and from
"the words made use
"of by them to express
"their intention or
"from probable or
"rational conjectures.
"If the words express
"the meaning of the
"parties plainly, distinctly
"and perfectly there
"ought to be no other
"means of interpretation,
"but if the words are
"obscure or ambiguous
"or imperfect recourse
"must be had to other
"means of interpretation,
"and in these three

Cases

"cases we must collect
"the meaning from the
"words or from probable
"or rational conjecture
"or from both."

The words "probable or rational conjecture" must necessarily include a consideration of the laws in existence in the countries of the contracting parties, their forms of government and perhaps usages and habits of the people.

Article II of the Supplemental Treaty of 1880 prohibits the Chinese from importing opium into any of the ports of the United States. It prohibits

citizens

citizens of the United States from importing opium into any of the open ports of China, from transporting it from one open port to any other open port, and from buying and selling opium in any of the open ports of China.

What I recommend is that an enactment based on this clause shall as distinctly as possible characterize the prohibited acts. For instance, is it in violation of the treaty for an American to store opium in his own warehouse used for his own business

business?

Can an American rent his warehouse, or a portion thereof, to an Englishman for the purpose of storing opium therein?

Can the partner of an American ostensibly take to himself the opium branch of the business and while all other business is that of the partnership this be by contract excluded?

Can a corporation in which an American owns stock transport opium?

If a vessel be owned by a number of citizens of different nationalities,

including

including one American,
can it transport opium?

Can the clerk of an
American, he being an
Englishman, carry on the
opium business?

Under the treaty the
absolute prohibition extends
to vessels owned by Americans,
to foreign vessels employed
by them and to vessels owned
by Americans and employed
by other persons.

Does this mean exclusive
ownership by Americans?

I concede that under
the treaty a ship owned by
an American and flying
the flag of the United States

could

could not transport opium. But suppose an American together with an Englishman charters a foreign vessel shall it be prohibited in like manner?

If the law were that no ship carrying the American flag should transport opium we would arrive at some definite conclusion. The embarrassment of putting into practice prohibitions which are not found in the laws of China or in International Law is to be expected in any attempt to legislate on grounds so purely moral.

He

The following is a rough draft of an Act which comes as near to solving the legal difficulties as any that I can devise. I submit it as a suggestion merely to your better judgement.

1. Any citizen of the United States who imports opium into any open port of China or who transports it from one open port to any other open port or who buys or sells opium in any of the open ports of China shall be fined in any sum not exceeding — Dollars, to which may be added imprisonment not exceeding — years

— years.

2. Any citizen of the United States who transports opium on a vessel owned in whole or in part by him and flying the flag of the United States or who transports opium in any foreign vessel employed exclusively by citizens of the United States or who allows any vessel owned by him and flying the flag of the United States to be used or employed by other persons in transporting opium shall be fined — Dollars, to which may be added imprisonment not exceeding — years

— years.

3. Any citizen of the United States who stores opium in any warehouse in China which he at the time uses for the transaction of his own business or who allows his clerk, partner or agent to store opium in such warehouse shall be fined, etc.

4. Nothing in this act shall be so construed as to prevent a citizen of the United States from leasing in good faith any warehouse to any other person or to prevent such person from storing opium therein, nor shall anything

anything herein make a citizen of the United States liable to any punishment who in conjunction with persons of other nationalities may own ships in which opium is transported but which ships do not fly the flag of the United States, nor shall any citizen be criminally liable for any act done by the charterer of any ship owned by such citizen which ship does not fly the flag of the United States.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby.

for F.R. 1887.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 301.

Mr Everett

Legation of the United States.

Pekin, February 8th 1887.

2D ASSISTANT SECRETARY.
Act as attorney rec
F. R. 1887
APR 12 1887

April 13. cir Cr.

Mr. Denby to the

Secretary of State

Subject.

The assumption of Government by the Emperor.

Synopsis.

Assumption of reins of Government by the Emperor and some account of the reasons why the Empress Dowager still participates in the control of public matters.

No. 301.

Legation of the United States.
Peking February 8th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to report that the Emperor Kuang Hsü assumed the reins of government yesterday. No notice of this event was sent to the Legations. There was no public ceremonial. This day is always regarded as a holiday by the people. They thronged the streets. There was

no

no procession or any of the public festivities usual in other countries. The princes and nobles of the Imperial Family, the members of the Court and the high officials proceeded in a body to the presence of the Empress and paid their respects to the Emperor. At night there were displays of fireworks and illuminations all over the city. But this practice is usual. It is called the "feast of lanterns."

The Empress remains Empress Regent. Her participation in the Government is not well defined. Decrees will be issued

in

in the name of the Emperor.
But when she sometime
ago contemplated retiring
from all control in matters
of state, an urgent request
was made to her by all the
high officials that she
would still remain as an
adviser of the Emperor, and,
until he has acquired more
experience, that she would
to a certain extent retain
control of public matters. To
this she, being pressed,
consented. She will therefore
continue to appear with the
Emperor but behind a gauze
screen as heretofore.

For this arrangement

there

there are two probable reasons.
The first is that the question
of audience of the foreign
ministers is thereby postponed.
During the long regency of
the Empress Dowager no
effort was made to secure
an audience. As she actually
remains in power it is
supposed that no such effort
will now be made. The Chinese
regard the granting of audience
to any foreigners who will
not make the kotow and
bring tribute as derogatory
to the dignity of the Emperor.
They think that their own
people will regard the
granting of audience as a

waiver

waiver of the claim of
universal dominion which
is the traditional superstition
of China. They are anxious
that the reign of the Emperor
shall not at the outset be
marked by a retrocession
from a revered belief. While
in Corea and Japan the
seclusion of the King and
Emperor has been utterly
done away, here it is preserved
more strictly than ever. No
eye may rest on the Imperial
cortege as it passes in the
street. All the ways are
barricaded with mats and
hangings and formal notices,
when the Emperor goes out,
are

are sent to all the Legations to request them to notify their people to keep off the streets.

Another and a potent reason for the continued participation of the Empress Dowager in the Government is the fact that Prince Chun is father of the Emperor. By Chinese etiquette he cannot participate in the Government of his son. Filial piety, which underlies the whole system of government, and is the only well defined religion that exists - the worship of ancestors - prohibits the father from occupying a position under

the

the son. Prince Chun is at the head of the Admiralty Board and has some connection which is not accurately known with the Military. His influence is considerable, he is consulted by the high officials on all important questions. He is the 7th Prince, the brother of the Emperor Kien Feng and the brother-in-law of the Empress. A great party desires that he shall still remain in the direction of affairs. Thus with the advantages for which Chinese statesmen are famous the question has been settled as to the participation of the

the Empress Dowager in the Government.

The Empress has now ruled China for twenty-five years. On the death of Hien Tsung in 1861, his son, Tung-Chi, an infant, succeeded him. There were two Empresses then. The Eastern Empress died six years ago. Until the assumption of the government by Tung-Chi in 1873 these two ladies ruled as regents. Tung-Chi died in 1874. The present Empress, who was the Secondary Consort of Hien Tsung, the other Empress being his widow, adopted her nephew Kuang-Hsii, the son

of Prince Chun, as Emperor. The boy was then but four years old. He is now sixteen this being the beginning of the thirteenth year of his reign.

Prince Kung, brother of Hsien Feng, was at the head of the government from his brother's death until 1884. He was then removed. Prince Chun has since then been the most important man in the Empire.

It is universally admitted that the Empress has manifested great ability. She is very industrious, even laborious. In a personal

government

government like this the labors of the sovereign are enormous. It is understood that she studies and comprehends all subjects submitted to her. It must be said that under her rule China has attained the highest position among the nations that she has ever occupied. Her financial credit is good in the markets of the world. Peace prevails at home. Manufactures and commerce are increasing. The navy has been created and the army much improved. The people are generally prosperous contented and loyal. Altogether the

the Empress will go down
to history as one of the
great rulers of the world.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 302. Mr Everett

Legation of the United States.
Peking February 9th 1887.

Mr. Denby to the
Secretary of State.

Subject
Proposed prohibition of emigration to the United States.

Synopsis.
Referring to Yamên's proposal in Aug. last to prohibit emigration to the United States Mr. Denby recommends that negotiations in the matter be had at Washington and not at Peking, and that the purpose be accomplished by a supplemental treaty without invoking the aid of the Hongkong Authorities

No. 302.

Legation of the United States.

Peking February 9th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to state that I have received copies of the Presidents Message. I have read it with great interest more particularly that portion of it relating to China.

As I have received no answer from you to my telegram of Aug. 17th 1886,

nor

nor to my dispatches relating to the subject matter thereof. the President's Message brings me the first intimation of the probable approval by the Administration of the plan proposed by China to prohibit emigration to the United States.

If that policy is approved by the President I beg leave to suggest that the scheme suggested in the communication of the Yamên to me of August 3rd 1886, of which a copy was sent to you in dispatch No. 187 of Aug. 4th, need not necessarily depend on the cooperation of Great Britain.

The

The scheme of the Yamên was briefly as follows:

Chinese laborers who have never visited the United States shall be strenuously prohibited by the Chinese Government from proceeding thither.

Chinese laborers who have returned from the United States, and who have no families valuables or property there, shall be prohibited from returning to the United States.

Chinese [illegible] still remain in the United States and those persons who, under the treaty, are allowed

to

to go and return of their own free will and accord shall be treated according to the provisions of the treaty.

The Yamên further states that regulations embodying full details will be framed by the Chinese Minister at Washington. The Yamên further proposes to address a dispatch to His Excellency Sir John Walsham, K.C.B.M. Minister at Peking, asking him to request the British Government to instruct the Governor of Hongkong to cooperate in rendering assistance to prohibit emigration of Chinese laborers to the United States,

to

to the end that the prohibition may be effectually carried out.

"It is to this last clause that I desire to address a few remarks. For many reasons this matter should be arranged if possible without any recourse to British aid. This not on account of any jealousy of the British Government, but because of the traditional attitude of independence of our country toward other nations. I have found British officials in China as kind and accommodating, as a general thing, as men can be

I am already under some obligations to them and do not desire to increase the debt. It surely is not our policy to ask or receive favors from any nation. Nor should any matter of domestic legislation applicable solely to our own governmental action be in any wise subject to or influenced by foreign control. The execution also of such a plan dependent on the conduct of the Kowloung officials would or might be liable to embarrassment in practice. Great Britain on her side might decline to exercise the unusual power of yielding from

from vessels proposed passengers to the United States, or of touching on the right of expatriation, or of making different and distinct rules from those which apply to other nations of the world for the benefit of the United States.

It must be observed also that there is no kind of legal necessity for any action on the part of the Hongkong authorities. If there were no treaty binding our hands there could be no possible dispute as to the power of the United States, and, according to my views,

of

of the various states, by seperate action to prohibit the influx of the people of any nationality to our shores.

Therfore all difficulties can be removed by a supplemental Treaty containing the clauses suggested by the Yamen and such others as your wisdom may suggest. The remedy would be applied at our own end of the transit instead of at the Kongkong or British end. An Act of Congress in accordance with the supplemental treaty would effectually prohibit the landing of the prohibited

Clauses

classes and all complications with Great Britain would be saved and avoided.

I regard this view as exceedingly important and would have laid it before you some time ago but I expected by each mail some answer to my telegram of Aug. 17th and to my dispatch of Aug 4th 1886, and expected then to make this suggestion. As no answers have come I make it now not deeming it advisable to delay longer.

The Yamen suggests that these negotiations be had at Washington. I concur therein

for

for many reasons. We deal here with a board of ten members you deal with one man. You have naturally greater facilities for conducting negotiations. Here it is likely that other matters would be involved in the discussions. At Washington you can confine them to the one distinct question of immigration. Here, under the favored nation clause, all nations would be interested. They would expect to be informed of the matter pending and might make some interference. The whole matter could be more quietly and with more satisfaction to

you

you disposed of at Washington.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Wm Everett

Sep.

Legation of the United States.

Peking February 11th 1887.

Chas. Denby Jr. to the

Secretary of State.

Subject

Duplicate exchange account.

One enclosure.

Sep.

Legation of the United States.

Peking February 10th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith duplicate statement of my account for loss by exchange for the year 1886, of which original was forwarded Jan. 29th 1887 and against which I have drawn on you in the usual manner.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Second Secretary.

Enclosure.

1. Duplicate statement as above

file

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Mr Lowell 12

No 303.

Legation of the United States.

Peking February 11th 1887.

Mr. Denby to the

Secretary of State

Subject

Acknowledging dispatches

No. 303.

Legation of the United States.

Peking February 11th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches as follows Nos 130 Dec. 6th; 131 Dec. 9th; 132 Dec. 9th; 133, 134 Dec. 10th; 135, 136 Dec. 11th; 137 Dec. 13th 1886.

I have the honor to be,

Sir,

Your obedient servant.

Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 304.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack'd by Sec. & file
APR 12 1887

Peking February 11th 1887.

Mr. Denby to the

Secretary of State

Subject.

Affairs in Corea.

Synopsis.

Some account of attacks made on Admiral Shufeldt and Mr. Foulk. Great Britain desires to maintain China's suzerainty over Corea. She surrenders Port Hamilton to Corea. Probable terms of surrender.

No. 304.

Legation of the United States.

Peking February 16th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

In further answer to your dispatch No. 137, of date Dec. 13th 1886, I have the honor to say that I have read with interest Mr. Foulk's account of the political disturbances in Corea.

The English papers have lately teemed with abuse of Admiral Shufeldt and

Mr.

Mr. Foulk. These gentlemen are subjected to a mass of purely personal abuse, to which are added charges that Mr. Foulk knows of the intended assassinations which are described by Mr. Foote, p 331 Foreign Relations 1885, and did not disclose them, but left Seoul in order to be safe when they should occur.

In this connection the paragraph on page 341 F.R. 1885, beginning "On Oct. 25th one of the progressive leaders called on me" is quoted.

The distinct charge against these gentlemen is that they are exciting the King

to

of Corea to insist on his absolute independence. As the English papers foreshadow British policy it thus appears that Great Britain is in favor of the maintenance of Chinese suzerainty over Corea. There can be no doubt that this is the policy of England as I have learned it here. Her primary object is to prevent her great rival, Russia, from taking possession of the peninsula. Secondarily she desires to conciliate China for many reasons, chiefly that China may not interfere in the control and pacification of Burmah. England China being

being the two great powers in the east it is natural that they should desire harmony and if possible cooperation.

The papers have teemed with rumors of the surrender of Port Hamilton to Corea. There can be no doubt that this surrender has been consummated. The Japanese papers now publish notices of the sale of the public buildings and personal property at Port Hamilton. This sale was probably consummated before the fourth instant and it is probable that the formal surrender of the island has taken

taken place. The terms are not yet known but are presumed to be that compensation will be made to Corea for its occupation, that China agrees to assist in protecting Port Hamilton and all Corea against foreign annexation and that England may take possession again should emergency arise.

Port Hamilton was occupied by the British the 10th of May 1885 in anticipation of war with Russia. Its surrender now indicates that the danger of war has passed by.

I have the honor to be, Sir,
Your obedient servant
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

4

No 305.

Mr Everitt
17

Legation of the United States.

Peking February 14th 1887.

2D ASSISTANT SECRETARY.
Ack. 5 April 16. 87
Copy to Postmaster Gen for his information ap. 16. 87. cristler
APR 12 1887

Mr. Denby to the

Secretary of State

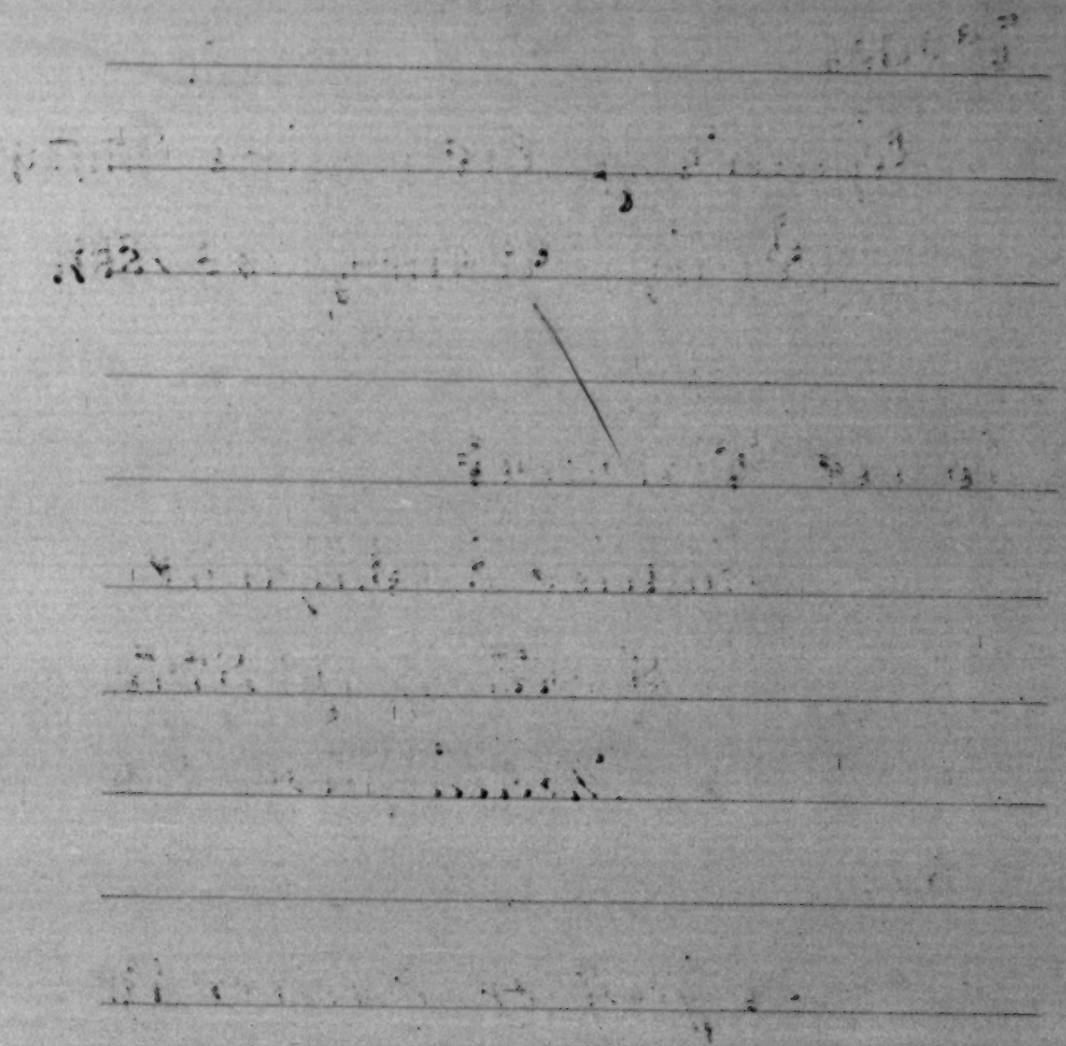
Subject.

Establishment of National Chinese Post Office.

Synopsis.

Opposition of English residents to the scheme. Approval thereof by Mr. Denby

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No 305.

Legation of the United States,
Peking February 14th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

In further answer to your dispatch No. 130, of date Dec. 6th 1886, I have nothing important to add to my dispatch No. 207 of date Sept. 8th 1886, which I suppose had not arrived at the date of your dispatch.

The English at Shanghai prefer to keep their

Control

control over postal matters on the ground that the corruption, which is said to be so rife in China, will affect the administration of the Post Office. The German Minister has not yet acceded to the proposed arrangement.

The Post Master in Kowloon, who has agencies in various ports in China, is very much in favor of the establishment of a Chinese postal system on the score of economy.

No notice was ever given to this Legation, nor to any but the British Legation, of the proposed action.

of China. Thus I had nothing official to report to you.

I thoroughly agree with you as to the desirability of establishing a National Postal System. We receive here now our mails by the Courier of the Tsung li Yamen, the Customs Courier and the Missionary Courier. During the winter, when the communication with Shanghai by water is suspended the mails are brought on ponies via Chinkiang to Peking. The service is irregular slow and insufficient. It takes nearly as long a time to

bring

bring mail matter from
Shanghai as it does to
transport it to Shanghai from
Tselinngton.

I have the honor to be
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

2D ASSISTANT SECRETARY.
Ack by No. 4 file
APR 12 1887

No. 306.

Mr Everett 13

Legation of the United States.

Peking February 15th 1887.

Mr. Denby to the

Secretary of State

Subject

Nagasaki Riots

Synopsis.

The settlement of the difficulties between China and Japan growing out of the Nagasaki riots

No. 306.

Legation of the United States.

Peking February 15th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that information has reached Peking that the difficulties between China and Japan, growing out of the Nagasaki riots last August, have been settled. A harmonious understanding has been arrived at by the two Governments. The details have

have not been made public.

This occurrence was a serious riot between Chinese sailors and the Japanese police in which many persons were killed. It happened at a time when I have reason to believe China was seriously contemplating sending a fleet to Corea with a view to occupying that country. But the fleet was diverted to Nagasaki owing to these troubles.

That great jealousy exists between the two Governments — Japan and China — is undoubtedly true, but

but there is no immediate prospect of complications.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED

No. 307.

Edward Everett 13

Legation of the United States.

Peking, February 15th 1887.

2d ASSISTANT SECRETARY.
Ask. Dept is confident that Mr. D. will deal with the question discreetly. cf. 14. by cipher.
APR 12 1887

Mr. Denby to the

Secretary of State

Subject.

Audience of Ministers by Emperor

Synopsis.

The question not broached by the Ministers. Mr. Denby will for the reasons given withhold demand for audience at present.

No. 307.

Legation of the United States.

Peking February 15th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

In further reference to your despatch No. 135 of date Dec. 11th 1886, relating to the question of audience by the Emperor, I have the honor to state that nothing whatever has been done by the Foreign Ministers. The question has not been broached in any meeting of the Ministers.

As

As your instructions allow me to act in concert with the representatives of the other powers, I shall for the present withhold any demand for an audience. The difference, I imagine, between the relations of foreign powers with China and all other countries arises mainly out of the desire of the Ministers here to promote the material interests of their respective nationalities in securing jobs contracts and employments. Each one is anxious to curry favor with the Chinese authorities in order to secure advantages for his own people.

I do not think it good policy for me to raise this question solitary and alone at this time. If my colleagues finally determine not to demand audience, an insistance on it by me alone would not be advisable at the present time. It would be well to wait until the anti-Chinese sentiment at home, which now seems to be on the wane, has materially deminished and outrages on the rights of Chinese have ceased. Pending the important proposition of China to prohibit further immigration by her own act the

the introduction of a new and distasteful subject would not be, in my opinion, wise.

While, therefore, I cordially agree with the contents of your dispatch, I shall still exercise the discretion therein granted to withhold at present any formal demand for audience. Meantime I shall endeavor to work upon my colleagues to agree to make a combined or identic demand that the Ministers be received by the Emperor.

I will report to you the condition of the subject from time to time and will

implicitly

implicitly obey positive instructions.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Mr Everett
13

No 308.

2D ASSISTANT SECRETARY.
Ack by No. & file
APR 12 1887

Legation of the United States.

Peking February 17th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Touquin, its probable value as a

French possession.

(Copied. April. 1887).

No. 308.

Legation of the United States.

Peking February 17th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

In 1884 French colonial possessions in Asia covered 59.967 sq. kilometres. As a result of the Franco-Chinese war the Republic increased this area, chiefly in Tonquin, to 149.967 sq. kilometres. The native population owing allegiance to the French flag shows an increase also through the

the addition of Tuquin, of 9.116.642.

This increase in territory and in population has been purchased by France at a cost, as estimated, of nearly 20 000 men; and about seventy millions of Taels in money. China also contributes to the cost the lives of almost 100 000 men, lost chiefly by disease, and a sum of money scarcely short of one hundred and fifty million taels.

The natural enquiry arises as to the profit of such acquisitions as compared with the cost. The only results that can be reached are based

based on conjecture. It is hardly probable that Tonquin, with the poverty and want of civilization of its people and the unsuitableness of its climate to European constitutions, will ever be to France what Holland's possessions in the south have been to her. A comparison with French Cochin China affords the best data for an estimate of the future value of Tonquin as a producer or a market. The last return we have from there is the summary for the first six months of 1886. The import trade, excluding treasure,

was

was worth $7.362.000. Imports $6.368.000 of which $3.640.000 was on Government account. Of these totals imports of $7,362,000 France furnished only $1.033.000 in articles for the use and consumption of foreigners. China furnishes more than one half the remainder and the Straits have a large share. The export trade of the same period was $10.895.000 of which 9/10 was rice. Of this $87,000 went to France. This showing though somewhat in excess of the same period for previous years can not be considered encouraging.

Inquiry

Tongkin has three times the population of Cochin-China and is said to be more fertile. The turbulent character of its people, however, and the proximity to the Chinese provinces will necessitate for a long time to come the maintenance of a large military force and the expenditure of sums of money which will probably make the country a drain on rather than advantage to France. It is claimed that many of the difficulties now met with will disappear on the construction of railroads and

and that a great trade with southern and western China will follow the Red River to the sea. It is proposed to construct a line of rail from Laokai near Yunnan to Hanoi to obviate the difficulties experienced by junks in the shallow and almost unnavigable head waters of this stream.

It is, however, incredible that Tonquin can ever be made [a colony profitable to the French ambition for colonization or] a profitable investment of the immense sums expended.

print

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

2D ASSISTANT SECRETARY.
Ack by No. + file
F. R. 1887.
APR 12 1887

No 309.

Mr Everett
13

Legation of the United States.

Peking February 18th 1887.

Mr. Denby to the

Secretary of State

Subject

Encloses articles of Chefoo Convention relating to tax on opium.

One enclosure.

No 309.

Legation of the United States.

Peking February 18th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I herewith enclose
1/309 a copy of the additional
article of the Chefoo Convention
relating to the tax on opium.

In anticipation of its
promulgation large quantities
of opium were landed during
the last fortnight. It is now
claimed by the Customs that
all this opium must pay

the

the tax of Taels 110 per chest. This claim is resisted by the importer who asserts that the new regulation is not retrospective.

It is easy to be seen that the smuggling will be immensely stimulated by this enormous tax. But the Government expects to use energetic means for its prevention.

I would send other copies of this article but they cannot be procured at Peking.

I have the honor to be,

Sir.

Your obedient servant,

Charles Denby

Enclosure

1. Clipping from Shanghai Courier "The Chefoo Convention."

THE CHEFOO CONVENTION.

The following is the additional articles of the Chefoo Convention referred to in the Express issued yesterday by P. J. Hughes, Esq., H. B. M.'s Consul-General :—

Additional Articles to the Agreement between Great Britain and China signed at Chefoo on the 13th September, 1876.

SIGNED AT LONDON, 18TH JULY 1885.

The Governments of Great Britain and of China, considering that the arrangements proposed in clauses 1 and 2 of Section III of the Agreement between Great Britain and China, signed at Chefoo on the 13th September, 1876 (hereinafter referred to as the "Chefoo Agreement"), in relation to the area within which *li-kin* ought not to be collected on foreign goods at the open ports, and to the definition of the foreign Settlement area, require further consideration; also that the terms of clause 3 of the same section are not sufficiently explicit to serve as an efficient regulation for the traffic in opium, and recognising the desirability of placing restrictions on the consumption of opium, have agreed to the present Additional Articles.

1.—As regards the arrangements above referred to and proposed in clauses 1 and 2 of Section III. of the Chefoo Agreement, it is agreed that they shall be reserved for further consideration between the two Governments.

2.—In lieu of the arrangement respecting opium proposed in clause 3 of Section III. of the Chefoo Agreement, it is agreed that foreign opium, when imported into China, shall be taken cognizance of by the Imperial Maritime Customs, and shall be deposited in bond, either in warehouses or receiving-hulks which have been approved of by the Customs, and that it shall not be removed thence until there shall have been paid to the Customs the tariff duty of 30 taels per chest of 100 catties, and also a sum not exceeding 30 taels per like chest as *li-kin*.

3.—It is agreed that the aforesaid import and *li-kin* duties having been paid, the owner shall be allowed to have the opium repacked in bond under the supervision of the Customs, and put into packages of such assorted sizes as he may select from such sizes as shall have been agreed upon by the Customs authorities and British Consul at the port of entry.

The Customs shall then, if required, issue gratuitously to the owner a transit certificate for each such package, or one for any number of packages, at the option of the owner.

Such certificate shall free the opium to which it applies from the imposition of any further tax or duty whilst in transport in the interior, provided that the package has not been opened, and that the Customs seals, marks, and numbers on the packages have not been effaced or tampered with.

Such certificates shall have validity only in the hands of Chinese subjects, and shall not entitle foreigners to convey or accompany any opium in which they may be interested into the interior.

4.—It is agreed that the Regulations under which the said certificates are to be issued shall be the same for all the ports, and that the form shall be as follows :—

"*Opium Transit Certificate.*"

"This is to certify that Tariff and *li-kin* duties at the rate of taels per chest of 100 catties have been paid on the opium marked and numbered as under; and that, in conformity with the Additional Article signed at London the 18th July, 1885, and appended to the Agreement between Great Britain and China signed at Chefoo the 13th September, 1876, and approved by the Imperial Decree printed on the back hereof, the production of this certificate will exempt the opium to which it refers, wherever it may be found, from the imposition of any further tax or duty whatever, provided that the packages are unbroken, and the Customs seals, marks, and numbers have not been effaced or tampered with.

"Mark.	No.	
X.	—	00 packages.

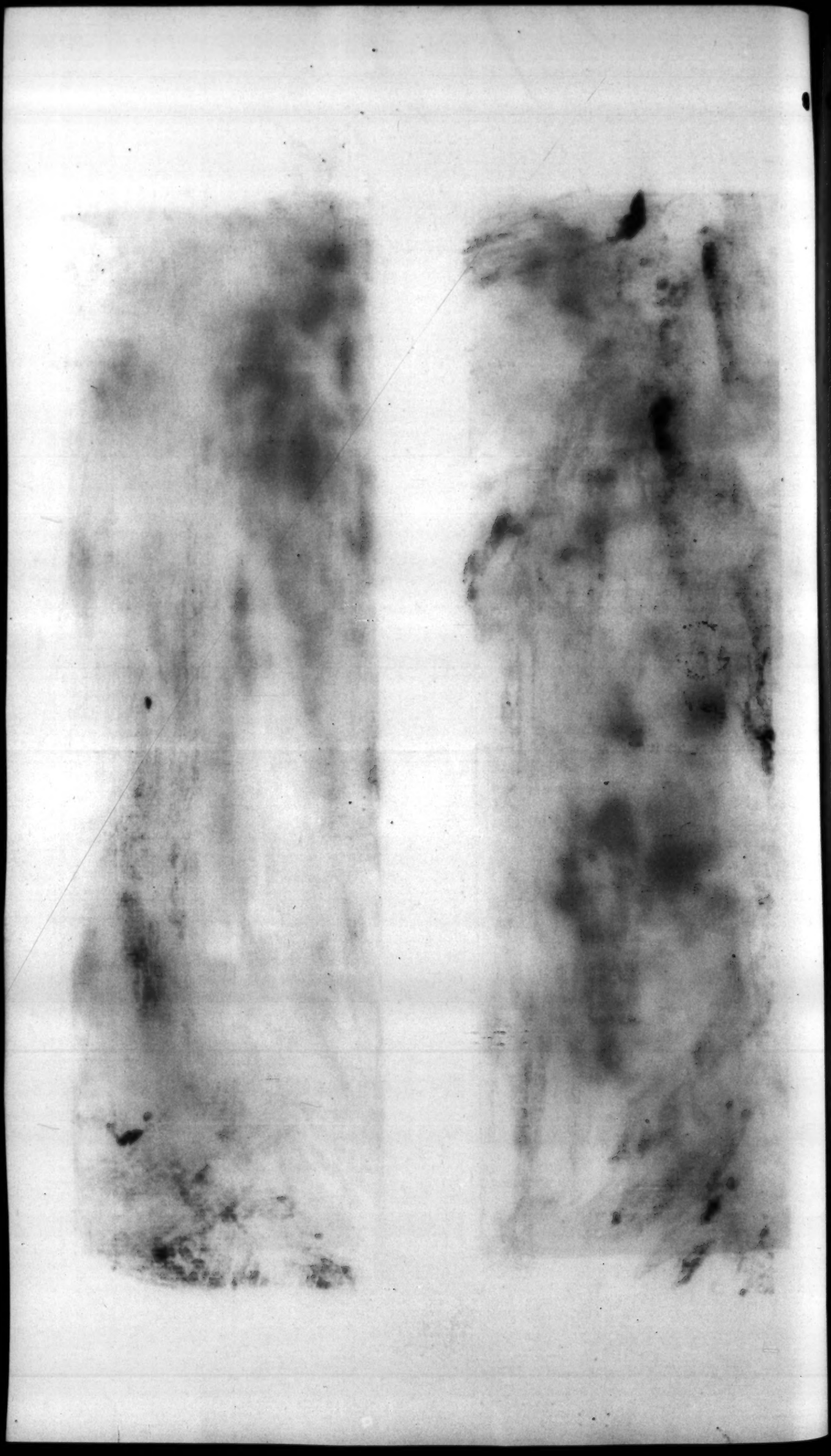
"Port of entry,

"Date

"*Signature of Commissioner of Customs.*"

5.—The Chinese Government undertakes that when the package shall have been opened at the place of consumption, the opium shall not be subjected to any tax or contribution, direct or indirect, other than or in excess of such tax or contribution as is or may hereafter be levied on native opium.

In the event of such tax or contribution being calculated *ad valorem*, the same rate, value for value, shall be assessed on foreign and native opium, and in ascertaining for this purpose the value of foreign opium the amount paid on



Enclosure 1 in No 309

it for *li-kin* at the port of entry shall be deducted from its market value.

6.—It is agreed that the present Additional Article shall be considered as forming part of the Chefoo Agreement, and shall have the same force and validity as if the same were inserted therein word for word.

It shall come into operation six months after its signature, provided the ratifications have then been exchanged, or if they have not then on the date at which such exchange takes place.

7.—The articles respecting opium contained in the present Additional Article shall remain binding for four years, after the expiration of which period either Government may at any time give twelve months' notice of its desire to terminate the same, and such notice being given, it shall terminate accordingly.

It is, however, agreed that the Government of Great Britain shall have the right to terminate the same at any time, should the transit certificate be found not to confer on the opium complete exemption from all taxation whatsoever while being carried from the port of entry to the place of consumption in the interior.

In the event of the termination of the present Additional Article, the arrangement with regard to opium agreed to under the regulations attached to the Treaty of Tientsin shall revive.

8.—The High Contracting Parties may, by common consent, introduce modifications of the provisions of the present Additional Article which experience may show to be desirable.

9.—In the event of no provision provided for by the present Article or by the Chefoo Agreement arising, the question of the prevention of smuggling into China from Hong Kong will be settled as soon as possible.

10.—The Chefoo Agreement, together with, and as modified by, the present Additional Article, shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the undersigned, duly authorized thereto by their respective Governments, have signed the present Additional Article, and have affixed thereto their seals.

Done at London, in quadruplicate (two in Chinese and two in English), this 18th day of July, 1885, being the seventh day of the sixth moon in the eleventh year of the reign of Kwang Su.

(L.S.) SALISBURY.

(L.S.) TSENG.

The Marquis of Salisbury to the Marquis Tsêng.
Foreign Office, 18th July, 1885.

I have the honour to address the present note to your Excellency in order to place on record the fact that, while the Chefoo Agreement is being carried out the proposal made by your Excellency to the following understanding has been come to between the Governments of Great Britain and China with regard to the Additional Article to the Chefoo Agreement relative to opium which has been signed this day:—

It is understood that it shall be competent for Her Majesty's Government at once to withdraw from this arrangement, and to revert to the system of taxation for opium at present in operation in China, in case the Chinese Government shall fail to bring the other Treaty Powers to conform to the provisions of the said Additional Article.

It is further understood that in the event of the termination of the said Additional Article, the Chefoo Agreement, with the exception of clause 8 of Section III., and with the modifications stipulated in clause 1 of the said Additional Article, shall nevertheless remain in force.

I have the honour to request that you will acknowledge the receipt of this note, informing me that the understanding recorded in it is accepted by the Chinese Government.

I have, &c.

(Signed) SALISBURY.

The Marquis Tsêng to the Marquis of Salisbury.
Chinese Legation, London, 18th July, 1885.

My Lord,

In reply to your Lordship's note of this date, I have the honour to state that the Imperial Government accept the following as the expression of the understanding which has been come to between the Governments of Great Britain and China in regard to the Additional Article to the Chefoo Agreement relative to opium, which has been signed this day:—

1.—It is understood that it shall be competent for Her Majesty's Government at once to withdraw from this new arrangement, and to revert to the system of taxation for opium at present in operation in China, in case the Chinese Government shall fail to bring the other Treaty Powers to conform to the provisions of the said Additional Article.

2.—It is further understood that, in the event of the termination of the said Additional Article, the Chefoo Agreement, with the exception of clause 8 of Section III., and with the modifications stipulated in clause 1 of the said Additional Article, shall nevertheless remain in force.

I have, &c.,

(Signed) TSENG.



Tele. sec'y
317 Japan
8 Sep. 1st

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

W. Thickhofer
Dep. Bureau

No. 310.

Legation of the United States.

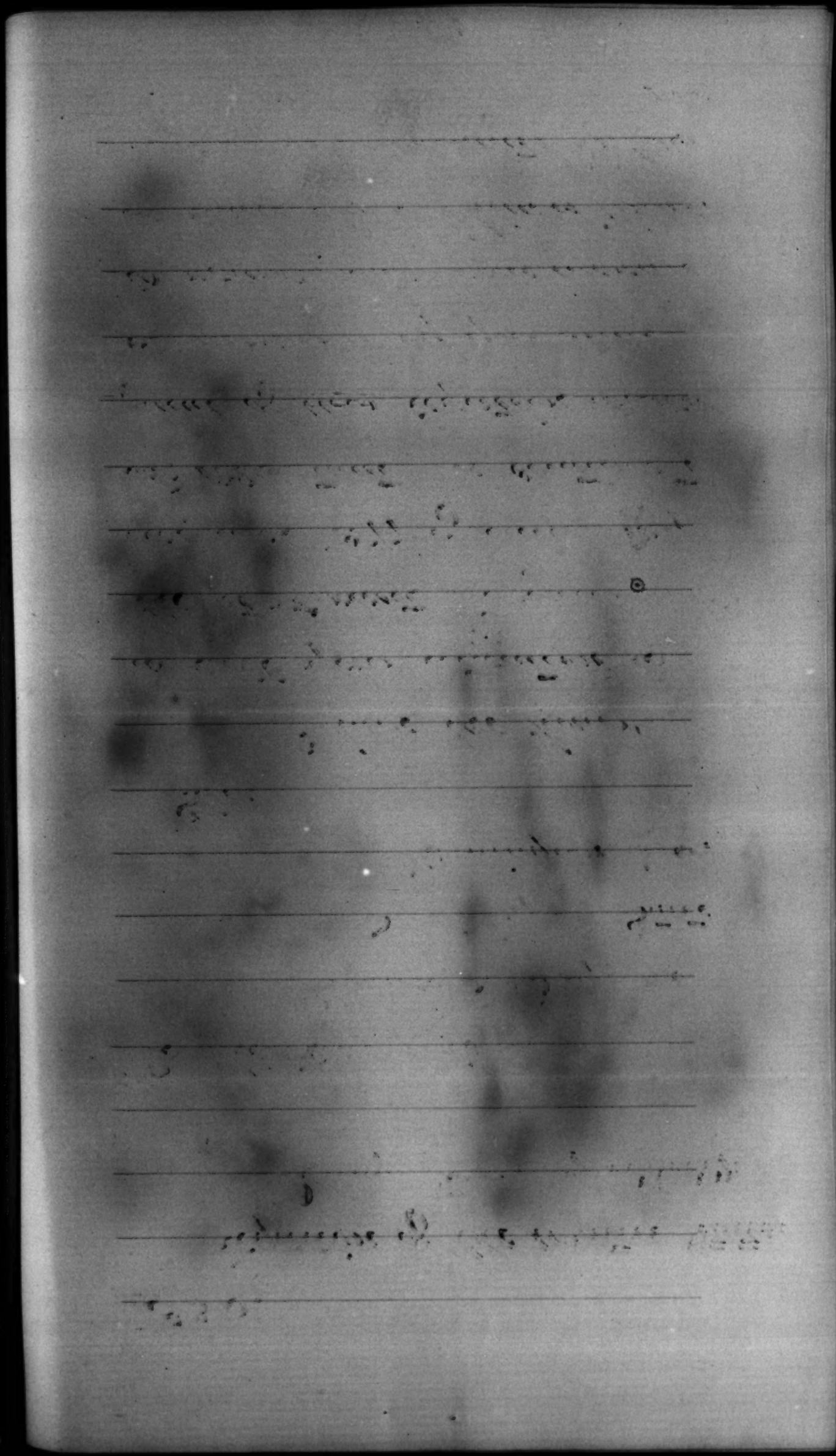
Peking February 18th 1887.

Mr. Denby to the

Secretary of State

Subject.

Necessity of enlarging contingent fund.



No. 310.

Legation of the United States.

Peking, February 18th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to call your attention to the statement in your despatch No. 77 of date May 25th 1886 that the contingent fund of this Legation would be increased by you and to request that some increase be made. The Chinese Writer's salary now amounts to $216 per

per annum. He receives more than one fourth of the entire allowance, being an increase to him of $70.20.

Permit me to suggest that under my control the telegraphic account of this Legation has been nearly nominal as compared with sums spent by some of my predecessors. I mention this as matter of inducement. But there is urgent necessity for a larger allowance to pay for book-cases required for the archives and to meet current expenses.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

F.R. 1887.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 311.

H. Everett
13

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by subject (No Comment) of 14 Sec. cust. Ofs.
APR 12 1887 F.R. 1887

Peking, February 18th 1887.

Mr. Denby to the

Secretary of State.

Subject

Payment first installment

Chunghing indemnity

No. 311.

Legation of the United States.

Peking February 18th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that the first installment of the amount agreed to be paid on account of the losses of the Methodist Episcopal Mission at Chungking, Mels five thousand, was paid by the local authorities at the time agreed on.

It has been received
by Mr. Frank S. Yamewill
Superintendent of the Mission.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 312.

Mr Everett
13

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by No. + file
APR 12 1887

Peking February 18th 1887.

Mr. Denby to the

Secretary of State

Subject

Newspaper attacks on Foulk and Shufeldt

One enclosure.

No. 312.

Legation of the United States.

Peking February 18th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

In a late despatch I refered to attacks made on Admiral Shuffeldt and Ensign Foulk by the English press. In further illustration of the animus prevailing against these gentlemen I herewith enclose a clipping from the Shanghai Courier of January 19th 1887.

1
312

27

It is scarcely as abusive as the preceding article but it is bad enough.

There papers on the contrary speak well of Mr. Rockhill. They assume that he will not make himself obnoxious by too much zeal on the side of Corean independence. I take it for granted that he is in possession of the views of the Department and that he will do his full duty.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure Charles Denby

1. Clipping from Shai Courier
Jan. 19th 1887, "The Corean Massac

Enclosure 1 in 312.

THE COREAN MASSACRES.

MORE FACTS FOR REFLECTION.

Chemulpo, 9th January, 1887.

It was with feelings of surprise and disgust that I read in the *N.-C. Herald* of December 1st, 1886, the commendatory article "On affairs in Corea between 1882 and 1884, by Lieut. Foulk, of the United States Legation, Seoul," "supplemented by two despatches from General Foote to the Secretary of State," giving what professes to be "An account of the occurrences on the night when Min Yong-ik was attacked and wounded, apparently as the first steps in the revolution of which the progressive party were the soul." Surprise, in the first place, that the story told by General Foote does not make mention of the fact that "on October 25th" Mr. Foulk "told him every detail" of the [illegible] communicated to him (Mr. Foulk) on [illegible] one of the conspirators, and which [illegible] the assassination of ten officials [illegible] government to which he was accredited.

Secondly, General Foote's silence on the subject of Mr. Foulk's communication to him clearly shows that neither he nor Mr. Foulk took any steps to make known to a friendly government the revolutionary and murderous intention of a band of assassins whom General Foote describes as "a few ill-advised young men under the leadership of Kim Ok-kim, Vice-President of the Foreign Office; Hong Yong sik, Postmaster-General; and Pak Yong-hio, brother-in-law of the King, who determined to seize the government and obtain control of the person of the King, and administer public affairs for their own purpose."

The first move in the plot General Foote says was the attempted assassination of Min Yong-ik, and during the excitement occasioned thereby they rushed to the Palace and informed the King that the danger he was in was great and that the King (?) then sent messengers to the Japanese Legation for assistance.

Here, however, in order to follow the chronological order of events, we must go back to the dinner at the Post Office, where the series of foul murders which took place in the palace that night between 11 p.m. and 5 a.m. were inaugurated in the presence of General Foote by the attempted assassination of General Min Yong-ik, who, although "bleeding from seven or eight ghastly wounds," was [illegible] deserted by the brave General, and every one else except P. G. von Mollendorff, who received him into his arms and remained with him alone in the dark until assistance arrived, when he was conveyed to von Mollendorff's house, where his wounds were dressed by Dr. Allen, whose successful treatment of the case is worthy of the highest praise.

Immediately following the attack on Min Yong-ik, General Foote says "The utmost consternation ensued." "A shot was fired and the entire crowd precipitated themselves over the rear wall."

We are not told [illegible] veteran General made any at[illegible] panic-stricken officials, foreig[illegible] the soldiers and servants, [illegible] must have been more than a hu[illegible] pound. We may, therefore, [illegible] rushed away with "the au[illegible] precipitated themselves over [illegible] for it is known that some ten minu[illegible] the gallant General arrived at the [illegible] Legation (distant about half a [illegible] Post Office and which was situ[illegible] to his own) without [illegible] Just as the Japanese [illegible] singular coincidence, [illegible] rocks under the Nan[illegible] mile and a half from the [illegible] at the gate fully dressed [illegible] Mr. Takezoye, the Japan[illegible] excused himself from the [illegible] plea of sickness, the [illegible] escort of Japanese soldiers [illegible] to his Legation.

The General's statement [illegible] crowded all the streets [illegible] 4th and 5th December by [illegible] contradicted by people who were on the spot, and who state that during the night and early in the morning of the 4th and 5th December, the city was perfectly quiet and the streets, as is always the case, [illegible] about nine o'clock at night were quite deserted.

The Minister then relates how the "King (?) invited him and the British and German representatives to go to the Palace for safety." He omitted to add that the messengers were well known conspirators who [illegible] alleged that they were sent by the King, and [illegible] him to come to the palace and openly acknowledge himself to be on their side.

[illegible] hours [illegible] ning of the 5th, [illegible] ce, where he was [illegible] King (in the pre- [illegible] r and his inter- [illegible] ers) whom he [illegible] to say and in a [illegible] great [illegible] Here again the [illegible] the very time [illegible] lated remains of [illegible] and Minister [illegible] nister; General [illegible]; Duke Cho [illegible] Office; and [illegible] Tso-won, [illegible] lying in their blood in an adjoining [illegible] the palace while he shook hands with the assassins across the bloody chasm.

These and many other details in connection with that series of blood-thirsty murders are necessary to fill up the gap in the history of that dreadful tragedy, to which General Foote and Mr. Foulk (who knew of the murderous intention of the assassins thirty-six days before it was carried into effect,) by their silence, which implied acquiescence, were morally, if not legally, accessories before the fact.

Mr. Foulk and General Foote, but especially the former, speak of the King as if they were in his confidence. Their reiterated statements as to what the King did and said, such as "His Majesty jumped for joy when [illegible] Foote arrived, etc," may amuse [illegible] in America, but will never be believed [illegible] who has observed His Majesty's [illegible] manner and bearing. Again the statement that "the King then sent messengers [illegible] Japanese Legation, asking him to come [illegible] palace with his guard of soldiers," is not only misleading but [illegible] unjust to His Majesty, who [illegible] having sent any mes[illegible] Minister on that occasion.

That "the King [illegible] was in a state of [illegible] surprising; indeed, [illegible] he was surrounded with traitors [illegible] Ministers and [illegible] g weltering in [illegible] and confidential [illegible] reported to [illegible] the Chinese troops [illegible] people in the [illegible] been cut down [illegible] in his presence, (by [illegible] the invitations to the Japanese [illegible] the representatives to come to the [illegible] he himself and the Queen were in the power of the assassins (who had appointed themselves to the highest positions in the Government which had been created vacant by the death of their victims) we would feel astonished if any one, if the General himself (who beat such a hasty retreat from the Post Office) or Mr. Foulk, or the most hardened villian, could be calm and composed under such terribly distressing circumstances.

That Kim Ok-kim and his party, which consisted of Hong Yong-sik, Post Master General; So Kwong-pom, an official of the third rank; Pak Hong-Kio, son-in-law of a former King and formerly Minister to Japan, and his two brothers, and fourteen students who had recently returned from Japan, should do their utmost to try to implicate the King in their plot in order to screen themselves, is perhaps only natural, but that forsooth, that General Foote and Mr. Foulk should be so credulous as to accept their lying statements and give them forth to the world as the gospel truth to the prejudice of the King and the Mins and the Tai Wun-kun, who [illegible] the real back-bone of Corea, excites my [illegible] and disgust.

That "Admiral [illegible] confidence in the King of C[illegible]ing whatever; he is [illegible] mat nor a brave soldier, [illegible] of human nature. If the great [illegible] Admiral had no confidence in the King, [illegible] honours are certainly easy now, for whatever illusion may have hung about his name at one time has been entirely dispelled by his presence in Corea and personal communication with the King and the few officials he has met. While it is true that he still hangs on to the "free house,"

which belongs to Mr. Townsend, and the "free lunch" with apparently cold comfort. I am told that not a high Corean official has been near him for more than a month, and has he had but one audience with the King since he came.

In fact the Coreans regard him in the light of a B.B. "old man," "Big and Boastful." He talks lustily about the independence of Corea just as though that was not devoutly prayed for by every Legation and foreigner here and in Seoul, with the exception of one or two representatives, and just as though it was not a fact already accomplished, and fortunately, too, before he had a chance to meddle in the affair and defeat it. Even as it is he is trying to make the Japanese believe that China and Russia sought to heap indignity upon Japan by leaving her out of the settlement of their differences over Corean affairs at Tientsin last October. The fact was Japan had nothing to settle, she had arranged her differences long before with China, and with Russia she had none to arrange. The trouble last summer was between Russia and China and now that having been, as I understand, satisfactorily disposed of, the peninsula ought to have peace, and it would, too, if chronic meddlers can be suppressed.

The Admiral seems to be an enemy of Japan as well as China, or he would pour oil on the troubled waters between the two countries instead of trying to stir up bad blood.



DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Confidential.

No. 313.

Mr Everett
14

Legation of the United States.

Peking February 18th 1887.

Mr. Denby to the

Secretary of State

Subject

Encloses letter from Chinese

Minister at Washington.

Confidential

Two enclosures.

No. 313.

Legation of the United States.
Peking, February 18th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

I have the honor to enclose herewith a copy of a letter lately received from the Chinese Minister at Washington with my answer thereto.

Some of its details are of a personal nature but it is not marked private and is addressed to me as Minister and

and is mostly devoted to the discussion of public questions. For these reasons I regard it to be proper to send you a copy.

My answer, no doubt, will be in like manner sent to Peking. It is, therefore, written so as to have proper weight in that quarter.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures

1. Chang Yen Hoon to Mr. Denby Dec. 10th 1886. His. 8/1887
2. Translation of reply to above His 6/1887 Feb. 19th 1887.

Enclosure 1 in No. 31 Copy

Chang Yen Hoon to Mr. Denby.

Misc. Rcd No. 8/1887 Dec. 10th 1886

Dear Mr. Minister:

Last year on my taking leave of you at Peking you had the goodness to give me four letters of introduction to your relatives and friends in the United States enabling me to make their acquaintance, for which kindness I shall ever feel grateful to you. Three letters were duly presented. Mr. John W. Foster and I frequently visit each other; your brother called on me and I enjoyed his most pleasant visit every month, and I have had also the pleasure of meeting Mr. Barlow occasionally in New York, who entertained me splendidly. As

the

to the letter for the late Vice President, Mr. Hendricks, it has not been delivered on account of the absence of his family from this city. I would have written to you on this but for the low spirits I have been in occasioned by the great difficulties I met in the discharge of my diplomatic duties.

On my arrival at San Francisco I was unfairly detained on board for some time by Collector Kager before I was permitted to land, which might have resulted in my returning to China on the same vessel I came on. Such an unpleasant incident you could not have expected nor could I have dreamt of. This must have happened at the time while you were sojourning in the respective

provinces

provinces of Fukkien and Kwang-tung, where, I was happy to learn through Secretary Bayard you were very well and courteously treated, quite a contrast with my case, wherein I had felt so much mortified owing to the treatment I had received on landing at San Francisco. For that sole reason I did not write to you as I had intended to do, but I had asked Mr. Foster to remember me cordially to you, when he should write to you, with my excuses, which I hoped would prove acceptable.

During the past months since my arrival here my efforts were used toward the settlement of the pending cases of outrages with the State Department. The perpetrators in the outrageous case of Rock-

Springs

Springs, Wyoming Territory, where twenty eight Chinese were killed were released on bail. The Indemnity Bill awarding $150,000, for payment of damages sustained by the Chinese, was passed by the Senate but it is pending in the House. Secretary Bayard gave me repeated assurances that the House would pass it before the adjournment of Congress, which assurances I communicated to Tsung-li Yamen and dispatch the Chinese Consul General at San Francisco that he might apprise the Chinese sufferers of the same for their consolation. I thought that the assurances would have been confirmed but, to my great surprise it was not called up by the Foreign Committee, owing, as alleged, to great pressure of business

in

in the House and has been consequently deferred till now. Secretary Bayard subsequently expressed his regrets at the cause of the delay regarding which he said he would write to you with a full explanation so that you might communicate the same to Tsung-li Yamên with a view of manifesting his sincere desire to maintain the friendly relations existing between the two nations. Secretary Bayard further informed me that, on the reassembling of the Congress in winter, first attention would be paid to the Indemnity Bill. I believe you have received his note by this time.

Those unsettled cases which are pending will receive my full attention. With regard to the Restriction of

Chinese

Chinese immigration, supplementary treaty stipulations were made in 1888 governing the whole question. It would not be appropriate for me to make any observations upon it. Whilst I cannot dismiss from my thought the fact of the perfect liberty with which the foreigners in the United States, mostly from Ireland and not a few from Germany, to come and go, I cannot help thinking of the repeated enactments of Restrictive Acts inflicted upon my countrymen, who are comparatively much smaller in number, by which, I am under the impression that they are considered as an objectionable race in the eyes of the law-givers. As I have had that experience myself, I could

not

not feel much more humiliated.
I would have held my peace
if the Restriction Acts were
enacted in conformity with
the Treaty stipulations; but
as the provisions of the Bill,
pending in Congress, supple-
mentary to and amendatory
of "An Act to execute certain
Treaty stipulations relating to
Chinese", are so detrimental
to the Chinese interests and
would increase the trouble
of correspondence if not
protested against before its
confirmation by the President.
I, therefore, submitted to the
consideration of Secretary
Bayard, in June last, the points
that are in conflict with the
Treaty stipulations and the
hardships that might be
inflicted on the Chinese,
soliciting his advice thereon.
Secretary Bayard replied

that

that he could not immediately
give an answer on the
subject as a considerable
time must elapse before
it could become a law, but
he added that he did not
consider my protest premature.

The reason why I
sent my protest in advance
was that it might place
Secretary Bayard and the
President in a more difficult
position if I should wait
to do so till after it had
become a law. Were you,
Mr. Minister, in my place
with such distressing cases
in view, even you could not
be expected to be silent.

China has, of its own
accord, prohibited its subjects
from coming to the United
States with the expectation
that the rights of protection
by treaty stipulations to the

Chinese

Chinese now residing in the United States will be extended to them and that justice and redress may be obtained at an early date in the pending cases of atrocious outrages committed upon them, which, if realized, would give it great satisfaction.

You and I are accredited to represent our respective governments - duties being the same - though we are under different circumstances, but our common object is to cement the friendly relations of the two Governments. Ever since China and the United States have entered into treaty with each other the relations of the two Governments have always been harmonious and cordial, a fact well known by all the Powers. However since there recent cases of

serious nature have occurred in the United States the nations in Europe have begun to be astonished at this state of things so different from the part, of which I am indeed ashamed. Though being surrounded by so many difficulties, yet I have been endeavoring to do all in my power to bring on favorable results, to the end that our mutually original good wishes may be realized. It is indeed gratifying to find that Your Excellency in the discharge of your diplomatic duties with my Government is sincere and sympathetic which I appreciate and I thank you again for the attentions you paid me on the eve of my departure.

We are at present

repeated

seperated from each other by a vast sheet of ocean. Time never lingers and our New Years are slowly approximating - Oh; what have been the fruits of my labour?

Accept, my dear Mr. Minister, the assurance of my most distinguished consideration.

(Signed) 張蔭桓 (Seal)

(Chang yen Hwan)

Enclosure 2 in No. 313

Translation.

No. 6/1887. United States Legation

Peking

February 16th 1887

My dear Colleague,

As you wrote me in my language I return the compliment by writing to you in yours.

I was much gratified at receiving your long and frank letter.

I am rejoiced to know that the letters I gave you have resulted in procuring some pleasant acquaintances, and some agreeable social attentions for you. Your countrymen here have invariably treated me with the greatest kindness and consideration, and I should feel personal sorrow if mine failed to show you the respect which your kind disposition, your talents and your

your position merit.

After a little more experience in diplomatic life you will find out, that, although perfect happiness is not to be found, anywhere on earth, the agreeable incidents counterbalance those of an opposite character. In reading your account of your troubles I deeply sympathized with you, and saw my own difficulties faithfully described. My dear Colleage, I have been through nearly all the doubts, despondencies and heart burnings that you have suffered. Yet I am alive, well, and hearty, and still hope to accomplish something for my country, and to leave this post with the knowledge that I have strengthened the friendly relations that ought to exist

between

between these two great countries, have removed some of the misconceptions that exist, and have left diplomatic relations in a little better condition than I found them.

I did not meet with the untoward reception, which, to my great regret and surprise, awaited you. I was on the contrary received with all honor and respect. I hoped when we parted at Peking, after our very pleasant intercourse, that you would meet with the same cordial reception that I had met with. But I am convinced that there was at San Francisco simply ignorance and a technical misconception on the part of the officials. I have heard from the State Department, Col Foster and others nothing but praise since your arrival at

at Washington. The esprit de corps of the body to which we both belong inspires infinite regret for the discourtesy which befel you. But I trust that you will forget it in view of the cordial and respectful treatment that you have met with elsewhere, and particularly from the distinguished head of the State Department.

In my trip over China which was attended by so many pleasing incidents, I had to run the gauntlet occasionally of very plain and blunt attacks on account of the conduct of some misguided and vicious persons, chiefly foreigners, in the United States. At several places I had to listen to these charges of wrongs. I could not defend them

them but could only pronounce upon them my utter abhorrence and detestation. But I could say in defence of my whole country that these outrages occurred in remote localities, that they were disapproved of by all thinking men, that the President had exercised all his powers to repress them and to bring the offenders to justice. Still it was not pleasant to have them dinned into my ears from time to time.

You are no doubt aware that similar wrongs, though not attended with loss of life, have been perpetrated, since my arrival, on Americans in China.

There was a very serious riot at Chungking where the houses of the Missionaries were

were burnt, and the mission-
aries, under circumstances
of peculiar danger and
destitution, were driven out.
There was the destruction of
a hospital in Kiang-si, and
the missionaries had to
flee for their lives. There
was a small riot at
Ching-Kiang. In other coun-
tries during the same period
there have been notable
riots - witness the Nagasaki
disturbances.

I recognize, my dear,
Colleague that such occur-
rences are incidental to
human life. No govern-
ment can always anticipate
and prevent them. All
that government can do
is to punish their per-
petrators according to its
laws, and provide such
remedies and compensations

as

as the laws and constitutions permit. I trust that you will simply do your duty bravely and firmly, and will not allow such misfortunes to affect your spirits. I practised law for many years. I won and lost cases. Once my client was hung by the neck until he was dead. I did not like this result and felt mortified and sorry. But as years went on, and my experience increased, I made up my mind not to be unhappy over events, that, with all the ability I possessed, I could not prevent. You and I are simply the attorneys of our respective governments. We do the best we can. We lie awake of nights pondering how we can do some good

to

to our respective countries. If, after all our labors, events that we cannot control supervene, we must not personally take them to heart.

As to the proposed legislation that you dread, you must remember that the fate of Bills in the Legislative Halls is very uncertain. I do not doubt, however, that it was wise and prudent in you to protest in advance. I am sure that, if the President can prevent it, no legislation which violates the treaties will result in becoming a law.

You are, no doubt, aware that I have in all possible modes endeavored to do full justice to China. I deeply respect the great nation and its honest, laborious, and peaceful people.

people. I believe that through many difficulties the Emperor, the Empress, and the authorities of China, are endeavoring to administer the government for the welfare of their own people, and with scrupulous regard to the rights of the treaty powers. I recognize a high sense of equity pervading the members of the Tsung Li Yamen. My own country has no rivalry with China except in peaceful trade and commerce. We are nearer to her than any of the great commercial powers of Europe. Our trade with her is greater than that of any country except Great Britain. She does not view us with suspicion nor dread that we will seek to occupy her territory or cripple her influence in the East. Her

great

great seaport, Shanghai, looks across the Pacific to America for the commerce which is to make her one of the great cities of the world, rivaling London and New York.

Here and there in both countries there are disturbances. The governments of both countries condemn them. They are annoying, as the fly annoys the ox, but they do not impede the march of either country to greatness and power.

I cannot in this letter discuss the future condition as far as immigration is concerned. The subject is too vast, and is purely legislative. The diplomatic agent must obey and execute the law and the orders of his superiors. But I do not

despair

despair that my countrymen, who in this generation have settled all other great questions, for instance the Slavery question, the Mormon question, will be able to settle also equitably and justly the question of Chinese immigration.

Accept, my dear Colleague, the assurance of my most distinguished consideration

No. 314. acked. June 13. Castle.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Gen Everett

Legation of the United States.
Peking February 18th 1887.

Mr. Denby to the
Secretary of State.

Subject.
Necessity of increasing the
Library at this Legation.

One enclosure.

No. 314.

Legation of the United States.
Peking February 18th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to bring to your attention the subject of increasing the library at this Legation.

If this request may be considered importunate by you I beg to say in excuse that I share the natural ambition which all diplomatic agents have, to leave

leave their Legations a little better off than they were when taken charge of. His feeling might not excuse such a request if the importance of the subject did not of itself furnish a proper basis for it.

The duties of Ministers in the East are largely judicial. Although there are not many actual law suits heard before them, still in legal opinions furnished to the Consuls from time to time they control procedures. Thus in matters of jurisdiction, import and export taxation, and construction of treaties

advice

advice is frequently asked. Their duties in many respects partake of those of the Attorney General. Their opinions are proper on general topics and when no pending suit can be thereby affected. They serve to settle principles and to prevent litigation. The highest accomplishment of the lawyer is to know where to find the law. This avails him nothing if books are inaccessible.

Under State and Federal laws the judges are furnished suitable libraries. The Minister to China has all appellate

jurisdiction

jurisdiction that Courts of every character possess in the United States. He is isolated, can consult with no one and cannot await instructions from the Department. Surely reasonable facilities should be furnished him by the Government to enable him with discretion, prudence and learning to discharge his important functions.

That lawyers like Cushing, Marshall and Reed have illuminated the archives of this Legation with discussions of principles which will make their names immortal.

But

But their successors, at least the present incumbent, must supplement the want of ability by assiduous resorts to the smaller minds of the law for guidance and instruction.

I deplore herewith an accurate list of the books now found here. Since books were first purchased by Dr Williams many years ago few additions have been made. I do not enumerate a large number of what are called public documents. There are many of them, which, however useful for purposes of reference are

not

1/314

not available for their legal lore.

The Legation at Japan is abundantly supplied with a fine law and miscellaneous library. The list will disclose the paucity of the one here.

The Annual Digest has ceased to have any value owing to the publication of a new condensed edition which has superseded the old volumes.

It is scarcely necessary to dwell on the importance of completing the set of United States Supreme Court Reports.

I am unable, with no catalogue at hand, to make other than general suggestions as to the books which are to be ordered here. I suggest in the general the following books: The American Reports or the later edition of the Selected Reports; works on Admiralty, International Law, Commercial Law, Political Economy; Dr Wharton's Criminal Law; General Grant's and Mr. Blaine's books; all the standard works on the East with maps of Asia and China; the new U.S. Digest and a full set of U.S. Reports subsequent to Curtis.

For

for fear of having ",
already made excessive requests
I do not include histories of
our own war, the late European
war, Bancroft or many
other books which would add
a zest to existence here and
would properly furnish forth
the Minister for doing credit
to his country.

I trust that this
request will not be considered
as perpetual. I have Marshall
and Dane, Story, Kent and
Blakstone. With these familiar
architects of our legal
structure I can manage to
arrive at correct conclusions.
But the future incumbents

of

of this office, whose importance time and greatly enhance, will preserve my memory more if I can leave behind me this monument "more enduring than brass"!

I have the honor to be,

Sir,

Your obedient servant,

Charles Derby

Enclosure

1. Catalogue as above.

Enclosure 1 in 314.

List of Books contained in the Library of the United States Legation, Peking.

Smiths Actions at Law 1 vol.
Constitution of the United States, Hickey, 1 vol.
Hertlake's Private International Law 1 vol.
Polsons Law of Nations 1 vol.
Tatell
Bouvier's Law Dictionary 2 vols.
Parsons on Mercantile Law.
Hawaiian Reports 2 vols.
Wheatons Elements of International Law.
Kallecks International Law.
Bishop on Criminal Law 2 vols.
Washburn's Real Property 3 vols.
Kent's Commentaries 4 vols.
Tudell's Blackstone 4 vols.
Elliott's Diplomatic Code 2 vols
Williams on Real Property
Wayne on Damages
Stephens on Pleadings

Burlamaqui, National and Politic Law.

Digest of Opinions of Attorney General 1789-1881.

Laugdell's Cases on Contracts

Parsons on Maritime Law 2 vols.

Williams on Executors 2 vols.

Greenleaf on Evidence 3 vols.

Mc Call's Clerk's Assistant.

Story on the Constitution 2 vols.

Story's Equity 2 vols.

Starkie on Evidence

United States Digest 17 vols.

Equity Digest 2 vols.

Brightly's Digest 2 vols.

Statutes at Large, to date.

Phillimore's International Law 2 vols.

Wheatons International Law.

Decisions of Supreme Court, Curtis 22 vols.

Lord Elgin's Mission to China & Japan.

History of British India.

Ellis' Embassy to China.

Staunton's Embassy.

Manners & Customs of the Japanese

Notes on Indian Affairs, Short, 2 vols.
Chronicles Japan 3 vols.
Letters of Lord Elgin 1
Commentaries on International Law, Phillimore.
Foreign Relations of United States, complete.
Flags of Different Nations.
Treaties and Conventions between United States and Other Powers.
Webster's Dictionary
Charters and Constitutions 2 vols.
Lockhart's Medical Missionary.
Tribute of Nations to Abraham Lincoln.
Bigelow on Torts, Students series.

file

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 315.

Legation of the United States.

Peking February 18th 1887.

Mr. Denby to the

Secretary of State

Subject

Acknowledging despatches

No. 315.

Legation of the United States.
Peking February 18th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches No. 138 of Dec. 15th, 139 of Dec. 16th and 140 of Dec. 18th 1886.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Encl. 1 in dispatch of Feb. 22
No. 316.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Mr. Everitt
15

Legation of the United States.

Peking February 22nd 1887.

Mr. Denby to the

Secretary of State

Subject.

Returns vouchers signed

One enclosure.

No. 316.

Legation of the United States.

Peking, February 22nd 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

1/316 I enclose herewith the voucher signed which was returned to me in your dispatch No. 140 of December 18th 1886.

I regret the inadvertence of sending it without signature. The employee discharges the duties of janitor in the public offices,

&

of messenger in carrying
letters and packages to the
various Legations and
elsewhere and attends the
Minister as outrider on
occasions of ceremony. He is
called the Ning-Chai. He
receives as wages six dollars
Mex. per month but by
invariable usage he is also
entitled to a small sum
twice a year for clothing
and to half a month's wages
extra at the Chinese New Year.
These allowances are not
strictly gratuities. Nearly every
servant in China private or
public receives them. They are
by immemorial usage a part

of

of his compensation.

For these reasons it is not, in my opinion, necessary to send a separate voucher for the allowance for uniform. The voucher signed by the Ting-Chai is in my opinion sufficient. None other has ever been sent from this Legation. All of which is respectfully submitted.

I have the honor to be,

Sir;

Your obedient servant,

Charles Denby.

Enclosure.

1. Vouchers G and H.

Dec. of Apl. 1st Cir.

317.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Mr Everett
13

SECRETARY.
Ack by No. [illegible]
APR 12 1887

Legation of the United States.

Peking, February 23rd 1887.

Mr. Denby to the

Secretary of State

Subject.

Increase of Contingent Expense Allowance.

No 317.

Legation of the United States.

Peking February 23rd 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches Nos 141, 142 and 143 of Dec. 27th, Dec. 30th and Jan 3rd respectively.

I return hearty thanks for the liberal allowance for contingent expenses mentioned in No 141. I wrote on this subject despatch No 310 of Feb.

Feb. 18th, whose consideration is now unnecessary.

Will it not be necessary to send me a letter of credit on London authorizing me to draw $1300 per annum instead of $800?

I shall commence to draw at the new rate for the current quarter and write an explanatory letter to London Bankers.

I have the honor to be,
Sir,—
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
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1

No 318.

Mr. Lowell
12

Legation of the United States.

2d ASSISTANT SECRETARY
To Navy Dept. & other Depts
information - Apr. 13 87.
APR 12 1887

Peking February 23rd 1887.

Mr. Denby to the

Secretary of State.

Subject.

Reply of Tsung-li Yamên

on removal of Woosung Bar.

One enclosure.

No. 318.

Legation of the United States.
Peking February 23rd 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor
to enclose herewith the
answer of the Tsung-li
Yamên to my communication
of which a translation was
sent you in my despatch
No. 299 of Feb. 8th 1887 I therein
urged the removal of the
Wooning Bar.

It will be seen
that

1/318

that the Yamên has pressed on the local authorities the necessity of doing this work.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Tsung-li Yamên to Mr. Denby No. 4/1887 Feb. 21st 1887.

Translation. Enclosure 1 in No.

No. 4/1887.

The Tsung-li Yamên

to Mr. Denby.

Peking February 21st 1887.

Your Excellency:

Upon the 9th of February the Prince and Ministers had the honor to receive a communication from Your Excellency having relation to the dredging of the Taku Bar wherein you requested that measures be devised for taking immediate action in the matter, etc etc

The Yamên, it appears, during the 3rd Chinese month of last year (April) sent instructions in regard to the matter to the Minister Superintendent of Southern Trade urging that action be taken but up to the present time no reply has been received from

from that officer.

Now having received Your Excellency's communication upon this subject the Yamen has again communicated with the Minister Superintendent of Southern Trade urging that instructions be sent immediately to the Customs Taotai at Shanghai to adopt a plan for taking action in the premises, and as in duty bound the Prince and Ministers send this communication in reply for Your Excellency's information.

To His Excellency
Charles Denby

DEPARTMENT OF STATE
APR 12 1887
RECEIVED

Mr Everett
12

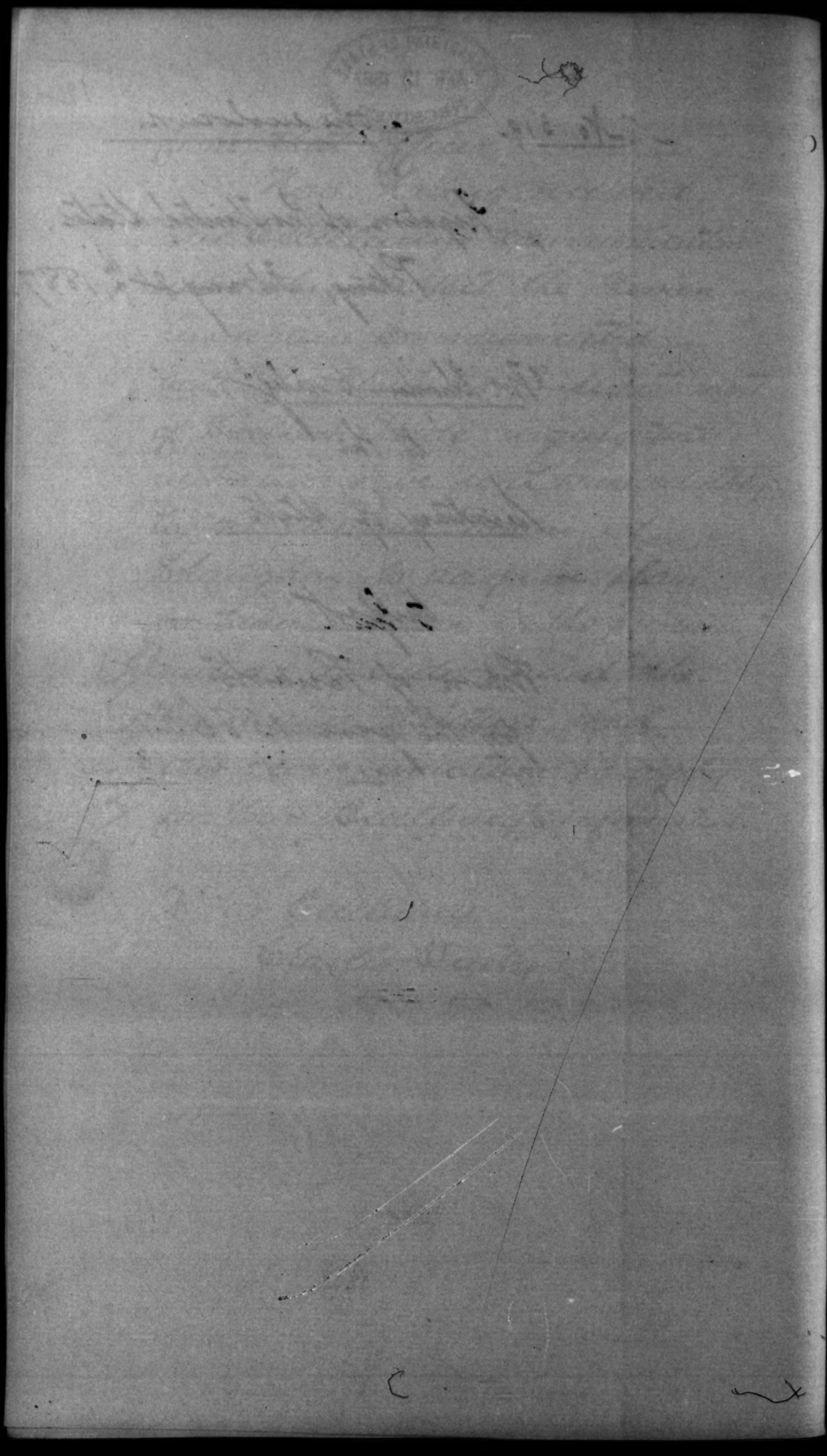
No 319. The enclosure.

Legation of the United States.
Peking, February 24th, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject
Return of Passports
for the year 1886.

H.C.R.



No 319. One enclosure.

Legation of the United States.
Peking, February 24th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to
hand you enclosed my Return
1/319. of the Passports issued at this Legation
for the year ending December 31st, 1886.
The fee, amounting to $125.00
will be entitled to the Government
in my account for Contingent
Expenses for the current quarter.

I have the honor to be,
Sir,
Your Obedient Servant.
Charles Denby

Enclosure
Return of Passports as above.

Return of Passports issued

No	Name	Date	State or Country	Age
466	George B Brown	January 8		29
467	Spencer Peers	" "		31
468	William Atkinson Jr	February 5		34
469	L. B. Partridge	" "		48
470	B. b. Kenny	" "		35
471	Mary B Fulton	" "		25
472	Charles R Wills	March 9		56
473	Henry M Mc Candless	" 23		27
474	Frank P Gilman	" "		32
475	W. F. Walker	April 12		39
476	Robert M Mateer	May 14		33
477	J. B. Burnett	" 20	No fee - issued on heirs [illegible]	
478	Mark Williams	" 26		50
479	Sydney B Partridge	June 11		28
480	Sidney B Fulton	August 2		25
481	Wellington J Wile	" 3		35
482	Albert M Fulton	" "		37
483	Martin L Stimson	" 14		30
484	Oscar F Wisner	" 28		27
485	Charles Ashton Coleman	September 10		32
486	Franklin M Chapin	" 15		33
487	Arthur C Knights	" 20		53
488	S. B. Jarvis	October 4		45
489	W. B. Langdon	November 5		31
490	John Myers Swan	December 14		26
491	Bruce Lentz	" "		26
492	Minnie Stabilla Baggett	" "		24

Legation of the United States
Peking, December 31st 1886.

Charles Denby
United States Minister

issued during the year 1886.

Height	Eyes	Nose	Hair	Face	Complexion
Ft. in.					
6.	Grey	Prominent	Black	oval	Light
6.	Light blue	Large	dark brown	Long	do
5. 9	Blue	Ordinary	Brown	do	Fair
5. 6	do	do	Grey	Full	do
5. 4¼	Brown	do	Brown		do
Tall	Light	Long	Light	Long	Light
6.	Blue	Medium	Grey	do	Fair
5. 7	do	do	dark brown	Medium	Ruddy
5. 1	do	Pug	Light	Round	Fair
5. 10	Hazel	Grecian	Brown	do	do
5. 11¼	Blue	Medium	Light	Square	Pale
No 390	Which was not Issued by Chinese Authorities.				
5. 5½	Blue	Straight	Light	oval	Florid
5. 10	Brown	do	Brown	do	Fair
No fr.	Issued on lieu of Passport 471, lost.				
5. 9	Blue	Grecian	Brown	Round	Fair
5. 11	do	Straight	do		do
5. 10	do	Ordinary	do	oval	Florid
6. 1⅜	Black	Large	Black	Long	Fair
5. 4	Grey	Straight	Light brown	oval	do
6. 1½	do	do	Dark	Long	Light
5. 10¼	do	do	Grey	do	do
5. 11¼	Hazel	do	Light curly	Large	Sallow
5. 8½	Blue	Snub	Black	oval	Light
5. 7½	Grey	Short	Dark	Round	do
5. 7	Dark	Straight	do	Oval	Clear
5. 3	Grey	Ordinary	Brown	Ordinary	Fair

25 Passports @ $5- each = $125.00

Answer as per
Mr Bliss note
to Acting Sec. Ap. 18.
Instr.



Wm Everett
18

No. 320.

Mr Cohalan

Legation of the United States.
Peking February 25th 1887.

Mr. Denby to the
Secretary of State.

Subject
As Teck's claim to registry as
a citizen of the United States.

Synopsis.
A Chinese now residing in
China who has declared his
intention to become a citizen
of the United States but has
not been naturalized is not
entitled to protection.

No. 320.

Legation of the United States.

Peking February 25th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that a question has arisen at Amoy, China, involving the legal status of a Chinese named Ae Teck.

Ae Teck, a native of Amoy, on the 31st of December 1878, before the Circuit Court of the United States at Boston, Mass., declared his intention

intention to become a citizen of the United States. Before securing his final papers of naturalization he returned to Amoy where he has since resided. The date of leaving the United States is not given. He asserts an intention to return to the United States. Consul Crowell refused to allow Ae Tock to register under Sec. 1168 of the Consular Regulations.

I have approved of the Consul's action because under Sec. 158, Consular Regulations, Ae Tock is not a citizen of the United States.

The

The Consul denies instruction as to whether Ae Yick is entitled to protection from him. Following the case of Simon Dourig, cited in Wheaton's International Law Ed. 1866 § 86, I am of the opinion that Ae Yick having voluntarily returned to China, has lost the protection of the United States. See also Woolsey 5th Ed. p. 122.

I construe Sec. 118 of the Diplomatic Instructions as meaning that protection will be afforded in maintaining the status of domicile and as not inconsistent with the

the Yuenig case. The case of Martin Korzta does not conflict with this view.

Although not necessary for the decision of the point presented, it is important to know whether Sec. 14, of the Act of May 6th, 1882 (Acts of 1881-83 p. 61), which prohibits the naturalization of Chinese, is law when tested by Art. 11 of the Treaty of 1880 (p. 827 Acts 1881-83). That is to say, can any Chinese subject be naturalized and if so what class and under what conditions?

That Congress understood, when it passed the

the Act of 1882, that, as to naturalization of Chinese, the treaties were abrogated, is highly probable. But whether that end was accomplished is rather for the Courts to determine than the Executive.

This question arises in Ae Yick's case. That is to say if Ae Yick can never be naturalized the decision hereof may rest on that point alone. You may say that Ae Yick cannot be protected by the Government for the reason that, although he has declared his intention, he can never be a citizen.

Protection

Omit * * *

Protection would therefore be with-held not only in China but everywhere. The decision of his case would, in this view, not involve necessarily the rights of foreigners of other nationalities.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

A. 1887.

Confidential

McCorkle

No 321.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

2D ASSISTANT SECRETARY.
Ack by No. + file
APR 13 1887

Legation of the United States.

Peking, February 25th, 1887.

Mr. Charles Denby.

to the

Secretary of State

Subject

Railways.

Synopsis

Proposed railway line between Tsitsihar and Kirin. Indications in regard to Construction more favorable.

Confidential.

No 321.

Legation of the United States.
Peking, February 25th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

(Adverting to my despatch No 288, of date the 12th ultimo, anent the proposed construction of a railway between Tientsin and Taku, wherein I explained that owing to the opposition made by the censors operations were suspended, I have now the honor to inform the Department that I understand from a reliable source that that opposition is now being overcome and the Tsungli Yamen is giving attention to the subject again.)

There are two plans before the Yamen for the Taku railway: one proposed by General James H Wilson and Russell and Company last autumn and one urged by the last Commissioner

of Tientsin. The latter plan is simply to extend the railway from the Kaiping coal mines to the Peiho river near Taku, and thence along the north bank of the Peiho to Tientsin, and later on to Tungchow, (a city about 12 miles from Peking) and to do this all with Chinese capital and management. The first plan (General Gilbert's) was agreed to last year and in consequence the General went to the United States to carry it out, but as I have already stated operations were suspended owing to the opposition of the Customs.

The promoters of the Chinese Company will make a hard fight to secure the business, but I am glad to say that the interest of the American plan is well represented here. Nothing of course has been decided yet.

Omit * *

I have the honor to be,

Sir,

Your obedient servant.

Charles Denby

for F.R. 1887.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

No. 322.

Mr Everett
14

2D ASSISTANT SECRETARY.
acted & approved
June 24
Cust
APR 13 1887

Legation of the United States.

Peking February 25th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Enclosed protest against the levy of the new likin tax on kerosene of six mace (90 cts) on the case.

Synopsis

Shows that the animus of this taxation was to prohibit the importation of kerosene and that it is for that reason forbidden by the treaties.

No. 322.

Legation of the United States.

Peking February 25th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor

1/322 to enclose herewith the original of a communication this day sent to the Tsung-li Yamên by me.

The subject thereof is an energetic protest against the new tax of six mace (90 cts) on the case (two cans) of kerosene lately levied

levied as a likin tax at Canton.

Little explanation is necessary in addition to the contents of the said communication. I may mention that, in spite of the likin of 40 cents per case which was levied in 1882 and for the privilege of collecting which the farmer thereof pays $63000 per annum, the sale of kerosene has been rapidly increasing. Mr. Consul Seymour writes me that prior to the new tax it was anticipated that in 1887 the sale of kerosene imported at

Canton

Canton would reach 400000
cases, or 800000 cans, or
3.000.000 Imperial gallons
or 4.000.000 trade gallons.
It is now proposed to raise
Taels 120.000 or about
$80.000 by this new tax.
The original tax of 40 ct.
remains in force.

The farmer was
offered the collection of
this tax but declined for
fear of smuggling. So the
likin office will collect it
by its own officials. The
likin tax alone now amounts
to $.30 per case. To this the
import tax of 5% ad valorem
must be added. To any
article

article but kerosene this
tax being more than 50%
would probably be fatal.
But kerosene is so largely
used, is so advantageous
collaterally in permitting by
its use native oils to be
applied for food and is so
cheap that it is difficult
to forecast what effect on
its consumption so enormous
a tax may have.

The Chinese
authorities have always
contended in the words of
Yëng, uncle of the Marquis,
now Viceroy of Nankiug,
that "once foreign goods
"have entered China and

become

"become the property of
"Chinese merchants their
"taxation is a matter wholly
"and solely within the
"direction of China".

One answer, at least,
to this proposition is that
this right is subject to
the treaty stipulations. It
is plain that the right of
importation may be
valueless if as soon as
goods land they may be
burdened with a prohibitory
tax. Thus by indirection
the treaties may be annulled.

I have endeavored
in my communication to
the Yamên to found my
argument

argument on the proposition that the new tax was not only prohibitory in fact but was levied for the purpose of prohibiting. To this end I have cited passages from the proclamations of the Likin Board.

Logically the only difficulty is to determine at what point a tax becomes prohibitory. The extraordinary vitality of kerosene makes it doubtful when such a point will be reached.

We have taxed fire-crackers 100% and partly on the ground that they are hazardous. The

Chinese

Chinese are improving on
our example.

The whole question
as you well know is
embarrassing and troublesome.
[I would have submitted
it to you before sending
this protest but I dreaded
the effect of delay.] If my
protest does no good it
can do no harm and any
instructions that may be
sent me can hereafter be
followed.

omit
* *

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Mr. Denby to Yamên No. 5
Feb 25th 1887.

Enclosure 1 in No. 322.

Legation of the United States

No. 5. Peking February 22nd 1887

Your Imperial Highness

and

Your Excellencies:

I respectfully call the attention of Your Imperial Highness and Your Excellencies to the late Lekin tax of six mace on the case of Kerosene oil levied by the General Office of Lekin at Canton by proclamations dated November 28th and December 18th 1886.

I request the repeal of this tax for the reasons hereinafter stated.

Kerosene oil besides paying the import duty, did before this last tax was levied pay forty cents per case Lekin. The entire tax is, therefore, now about one dollar and forty two cents

cents per case.

A case of Kerosene is only worth two dollars and fifty cents. Thus the whole tax is more than fifty per cent of the value of the article. Under the treaty Kerosene, not being a specified article in the list of imports and exports, pays 5 per cent ad valorem.

Article one of the treaty of 1880 provides that the governments of the United States and China mutually agree to give the most careful and favorable attention to the representations of either as to such special extention of commercial intercourse as either may desire. Under that clause it is proper that I should address you this communication

communication. Whatever may be the proper construction of the treaties relative to Lekin taxation, about which there has been so much discussion, one thing, I think, is certain, that neither party to a treaty has the right to abrogate it by indirect action.

China says to all the world You may send your goods to the open ports if you pay certain duties. Of what avail is the privilege, if, the moment that the goods are landed and delivered to the consignee, they are met with a prohibitory tax? How can the foreign merchant send goods to China if no Chinese subject can buy them, because of onerous internal taxes? The whole foreign trade may be wiped out

out by this process, and commercial intercourse may thereby be extinguished.

When it becomes apparent that any internal tax is levied for the purpose of prohibiting the importation of an article, then, at least, it becomes proper to protest and to ask for its repeal.

The proclamations of the Lisbon Office above quoted disclose on their face that the object of this new tax is to prohibit the importation of Kerosene. The languge of the proclamation of November 28th. is this: "Let it be proclaimed that the article of Kerosene is very explosive in its character. The least negligence will result in a calamity of a fire with unlimited evils. Therefore it ought to be prohibited."

This

This prohibition is inconvenient, this enormous tax is levied in order to prohibit by indirection.

In the proclamation of Dec 18th 11th the language is: "If Kerosene should be suddenly prohibited it may be feared that inconvenience and trouble will arise."

In both proclamations it is plain that the real intention is to prohibit the introduction of this article. I submit that as long as the treaties are in force this useful and generally used article cannot be excluded. Kerosene is used every where at Peking, and elsewhere in China, and all over the world. It has, like all other illuminating substances, caused fires by the negligence of the consumer. It is the cheapest of all the illuminators

ators and the one most used by the common people.

Its use has produced a large revenue to China. A high tax may prevent importation and thereby do away with this revenue.

The levy of such a tax is especially unjust to the foreign merchant. He may have bought large quantities for transportation to Canton in the faith that the existing duties would not be changed. Now, without notice of any intended change of taxation, he must encounter enormous losses. It is usual in other countries to fix a long period in advance at the expiration whereof such changes are to take effect. But I do not rest my objections to this tax on want of notice, but

on

the plain proposition that it is on its face prohibitory and therefore contravenes the treaties.

For these reasons I must earnestly invoke Your Imperial Highness and Your Excellencies to examine this question in a spirit of equity and to order justice to be done.

I have the honor to be
Y. I. H. and Y. E.
Your obedient servant
(signed) Charles Denby

Mr Rockhill to Mr Frelinghuysen No 13

No 323. One enclosure.

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Legation of the United States.
Peking, February 25th 1887.

Mr. Bhaler Brief
to the
Secretary of State.

Subject
Account for losses
by Exchange 1886.

No 323. One enclosure.

Legation of the United States.
Peking, February 25th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to
enclose my account for losses
1/323. by Exchange, for the year 1886,
amounting to $289.40, against
which I have this day drawn
my draft on you in the
usual manner to balance.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

Enclosure
Account as above.

No. 324. Answ 27 April 87
Draft in Dr's Report No. 288

DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

Legation of the United States.
Peking March 3rd 1887.

Mr. Denby to the
Secretary of State.

Subject.
Minister cannot make
Statute of Limitations

Synopsis.
Discussion of power of Minister to make rules etc. He cannot legislate. His chief duty is to supply deficiencies in practice and pleading at Common Law. The rules in force should be sparingly changed.

No. 324.

Legation of the United States.

Peking March 3rd 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to submit to you this question:

Has the Minister in China the power to adopt a rule fixing the period of limitation of civil and criminal actions?

By reference to the Court Rules (Dip. Cor. 1865 pt 2 p. 419) you will see that

Mr.

Mr. Burlingame exercised this power.

Now in a civil case in Shanghai this rule is claimed by counsel to be void. The case may be appealed to me. But, whether it is so appealed or not, I may have in some respects to revise the Court Rules. Hence I desire all the light I can get as to my powers.

Taking Sec. 153 Dip. Instructions as my guide I would say that I have no power to make such a rule.

Sec. 1086 of the Revised Statutes of 1878 confines the powers of the Minister to the

the furnishing of remedies to supply defects and dificiencies. I take this section to mean that the remedies to be supplied are such as are necessary for legal procedures and that it is not meant that the Minister may at pleasure enact new laws. For instance, in Sec. 1043 R. S. 1878 and seq. limitations to the prosecution of crimes are filed. The Minister cannot, at will, change the time so limited as is here done from three years to six years.

As to limitations in civil actions the question

is

is more difficult. If there is a general statute of the United States fixing the period in which the various kinds of civil actions are barred - similar to the statutes of limitations in the various states, - I have not been able to find it. If such a statute exists there is no necessity for the Minister to frame any statute of limitation. On the other hand if there is no such statute, then, under the express terms of Sec. 4086 cited, the Common Law, Equity or Admiralty Jurisprudence must furnish the law of the case. There are also many

limitations

limitations in the United States statutes applicable to special actions.

The absence of a Statute of Limitations can no more be considered a "defect" or "deficiency" in "suitable remedies" which the Minister may supply than is any other needed legislation which may be suggested by the Minister.

A statute of limitations is not a part of the Court procedure which the Judge may regulate. It is an arbitrary statute cutting off remedies by lapse of time. It is an absolute bar to recovery

to

to which the Court can
add nothing and from
which it can take nothing.
This the law of the forum
and over-rides the law of
the state when the contract
was made. Its enactment
is the exercise of the strongest
power of legislation. I speak,
of course, of the Common Law
and not of Equity or Admiralty.

I conclude that
Sec. 82, 83 and 84 of the Court
Rules, p. 119 Dip. Correspondence
1865 are void.

Section 4119 giving
Congress the power of revision
cannot, in my opinion, validate
a void act. If the Minister's
power

power is simply judicial an act beyond his jurisdiction is void. Once void always void. This as if the law never had any existence.

I am inclined to advise the Consuls that the sections above quoted are void and to substitute in their place the following:

Limitation of Criminal Prosecutions and Civil Actions.

82. Criminal. Chapter nineteen (19) of the Revised Statutes of the United States of 1878 and any other statutes of the United States fixing the

the time in which prosecutions for crime are barred, shall govern all prosecutions in the Circuit Courts.

83. Civil. The rules of the Common Law, Equity and Admiralty Jurisprudence and the statutes of the United States must be taken as determining the period of time in which a civil action is barred after a cause of action has accrued.

84. Questions arising out of the absence of the defendant from China and from fraudulent concealment, in

in either civil or criminal cases, must be determined under the statutes of the United States, the Common Law and Equity and Admiralty Jurisprudence.

As there is no pressing necessity for any action and as the whole question is important, I submit it to your better judgement before making any change.

In reading the regulations gotten up by the Ministers in the East it will strike any one that the writers did a vast amount of

unnecessary

unnecessary work. The Minister to Japan prepared a complete civil and criminal code. He devised new punishments, for instance deportation and banishment, and changed existing penalties. I do not see that he passed a statute of limitations.

The Rules of China are simple and are more practical than those for Japan.

As the laws of the United States are now codified, there is little need for extensive changes of the Rules. In Equity and Admiralty we

in

in China follows the United States practice. In Common Law cases we are a little at sea, because, under Sec 914, the practice, pleadings and forms and modes of proceeding in civil cases, other than Equity and Admiralty cases, conform to the practice in the various states.

The only duty, therefore, of the Minister is to prepare rules for Common Law practice in those cases in which the United States statutes are deficient.

My present idea is not to attempt to get up an entire new set of rules.

His

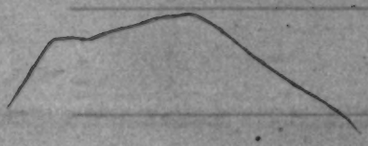
This course would be confusing and as one can be sure until after trial that new rules are suitable. As difficulties in the practice arise and are suggested by the Consuls, I shall strive to remove them by specific changes, leaving the body of the rules to stand.

Though lawyers have cavilled at our rules, still it must be admitted that they have fairly served their purpose.

In view of the difficulties of administering in China the laws of many foreign powers; it must

must be said that remarkable success has attended the judicial labors of the Consuls and Ministers.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby



DEPARTMENT OF STATE
APR 12 1887
RECEIVED.

4

No 325. One enclosure. W. Everett

2D ASSISTANT SECRETARY.
Copy to Treasury & Cus. Off.
APR 13 1887

Legation of the United States.
Peking, March 4th, 1887.

Mr. Charles Denby
to the
Secretary of State
Washington.

Peking cash.

Reports.

Gives an account of the introduction of the Peking cash, and the action of the Empress to bring about a restoration of the old system.

No 325. One enclosure.

Legation of the United States.
Peking, March 4th, 1887.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

During the fifth and sixth years of the reign of Hsien Feng, (A.D. 1856 and 1857) the question of providing a remedy to meet the monetary wants of the people in Peking, owing to the scarcity of copper cash in circulation, was taken into consideration by the Government. The limited amount of copper coin current at that time was owing to the protracted devastation of Kiangsu by revolt, and the Taiping rebellion.

In consequence, the supply of

copper

copper from Yunnan to the various Government mints north was checked, and the coinage of small copper cash materially interfered with.

The Emperor, in order to prevent a panic in the money market, which seemed to threaten the Capital, authorized by decree, as a temporary expedient, the coinage of cash of various denominations for use in the Metropolitan district. These coins were of the following values, viz:—

Of Copper representing (10) small cash tr.
" " " (5) " "
" " " 50 " "
" " " 500 " "
" " " 1.000 " "

Subsequently iron cash of the value of ten small cash, as well as small cash of iron and lead, were coined and put into

into circulation by decree from the Throne. — Of the above coins, those representing the value of 500 and 1.000 small cash were in circulation only for a short period. They failed to find favor with the people and were withdrawn. The other denominations continued in use for a few years. With the exception of the copper and iron cash representing ten of the small coins, there was also issued to be accepted by the people. This left in circulation the copper and iron coins as mentioned above as the currency of Peking. Surprising as it may appear, the iron coins for a short time found more favor than the copper. This was the result of a momentary fancy and soon the people refused to take the iron cash.

The

The copper cash still remains in circulation.

No doubt it was the want of purity of the coinage that led the people to disfavor the continued circulation of these coins. It was known that they were (owing to the scarcity of copper) often debased to the lowest quantity of metal which would serve as a nucleus upon which sand, glue and other substances could be coagulated.

When the large cash (i.e. those of the value of ten small ones) were first introduced, 200 represented the value of a tael in silver. In the 11th and 12th years of the reign of Tsung Chih (1873 and 1874) they depreciated 250 % and of late to over 500 % of their original tael value.

As these coins are only current in the metropolis and near vicinity, their circulation is necessarily

limited

limited. Bankers speculate in them.

The inconveniences of having
two denominations of copper coins
became so manifold and
so great that the Empress
decided about seven months
ago to bring about a remedy.
A decree of the Empress, a
325. translation of which I enclose,
will give you an idea of the
views of Her Majesty upon the
subject. She is determined to
carry into effect this reform, in
spite of the apparent opposition
now displayed on the part of
the Presidents and Vice Presidents
of the Board of Revenue. These
officers, however, evidently favored
this reform in the first instance.
They memorialized the Throne
that the restoration of the old
system could be effected in
three years. It will also appear

from

from the Decree in question,
that owing to the indifference
and dilatoriness displayed
by these high officials, the Empress
has commanded that they
be committed to the Board
(civil office) for the determination
of a severe form of penalty.
The offences committed by these
officers and the punishment
which should be inflicted
upon them has been considered
by the said Board and a
report presented to the Throne.
Her Majesty has issued a Decree
stating that by law they should
be punished by degradation and
dismissal from the public
service, but as an extra act
of grace, she modifies their
punishment to degradation
only, allowing them to retain
their official positions.

By a subsequent Decree,

Wanyin

Marquis Ring has been transferred from the Board of War to the Vice-Presidency of the Board of Revenue, and is also charged with the business of the Coinage Department.

I have the honor to be,

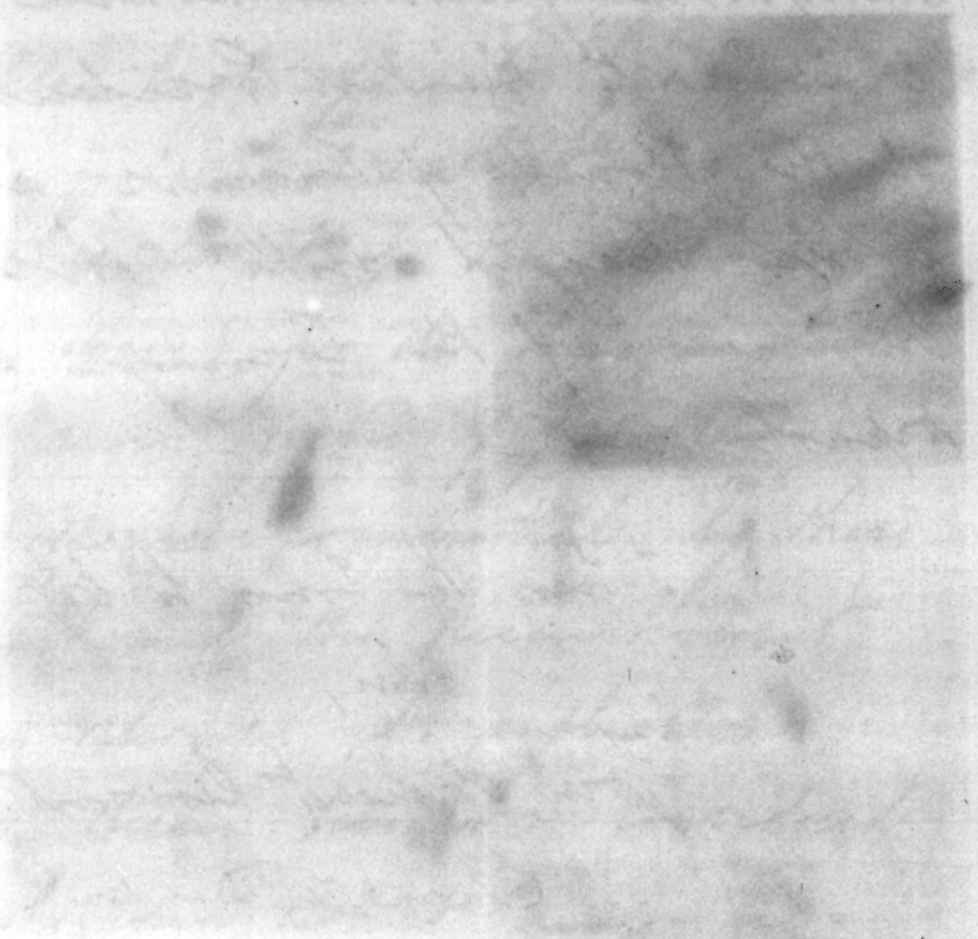
&c,

Your obedient Servant

Charles Denby

Endorsed

Draft as above.



Enclosure 1. Dispatch No 325.

—[illegible] from Her Majesty the Empress. [illegible] Board of Revenue have presented a memorial requesting that all the provinces along the river and on the sea-board may be required to convert into cash currency a certain portion, to be determined upon, of the subsidies they have to remit annually, and to send this cash to Tientsin there to be stored in readiness for use. This memorial is accompanied by a memorandum which is submitted for perusal.

In the 8th moon of last year, We directed I-hsin, Prince Ch'un, to take the question of the system of cash coinage into careful consideration, in conjunction with the members of the Grand Council and the Boards of Revenue and Works, with a view to its gradual restoration to the old basis. In due course they submitted a memorial in which they requested that three years might be allowed in which to compass a steady restoration, and that the Governor-General and Governor respectively of Chihli and Kiangsu might first be called upon to buy additional machinery and engage in the manufacture of standard cash. Further, that those provinces which were required by law to manufacture standard cash should one and all be called upon to commence operations with all promptitude. Action was thereupon ordered to be taken in compliance with the above requests, and these being matters the conduct of which was entrusted to those concerned under special Decree, was it not their duty to set to work with genuine energy in order to achieve successful results? The Board of Revenue is the focus to which the coinage system converges, and it was naturally their duty to take the lead in urging the various provinces concerned to set to work conscientiously in considering plans of operation. And yet, after more than half-a-year has elapsed, they suddenly assert that the capital required for machinery and manufacture will be too large, and that the opening of cash foundries in the metropolitan mint is likely to cause suspicion and uneasiness in the public market. They accordingly make the request that Hupeh and other provinces may be called upon to send with their subsidies a certain amount of cash to Tientsin to be in readiness for use. The said board never consulted with Prince Ch'un and the rest, but gave reckless heed to the statements of provincial high authorities and, with them, tried to get rid of the obligations imposed upon them, to such shallow and perfunctory subterfuges did they resort! The earlier memorial dealt very explicity with the question of the partial use of the *Fang chih*, or metropolitan cash, in connection with the resumption of *chih ch'ien*, or standard cash. How comes it that directly the furnaces for the casting of this cash are set going clamour will arise in the markets? Such expressions as these aggravate the impropriety of which the board has been guilty. Considerations of state economy have occupied attention of late. The development of copper and iron mining, for instance, is putting the natural resources of the country to a practical use, and yet the governors-general and governors concerned have on many occasions acquitted themselves in a perfunctory manner by disposing of the subject in a single memorial to the Throne, in which they state that the matter is attended with many difficulties." Officials, metropolitan and provincial, are falling into chronic habits of dilatoriness and sloth, and do not give their whole minds to the consideration, or themselves to the honest execution, of the best expedients for securing the greatest profit, measures that are called forth by the exigencies of the times. More than this: they think that under a pretext of working tentatively they will prepare the way beforehand for getting quit of their responsibilities at a future date. Such confirmed habits as these are deserving of the deepest detestation. In sum, the old system will positively have to be restored, and the cash coinage must promptly be re-organised. Injunctions in this sense have been repeatedly issued, and yet the heads of the department concerned are unable to identify themselves with the intention of the Court to enrich the state and benefit the people, and they make up pretexts for putting off what they should do. In this they are guilty of gross dereliction of the duties entrusted to them. We command that the chiefs of the Board of Revenue be committed to the board concerned for the determination of a severe form of penalty. Their memorial will be thrown back to them with contempt, and they are again called upon to submit with all despatch fresh proposals for putting the furnaces in work and arranging for the casting of coinage. One year will be allowed for giving full and consecutive effect to the measure, and no further delay will be permitted under pain of punishment—Tremble!

Mr Everett

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

No. 326.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack'd by No. + file
MAY 3 1887

Peking March 5th 1887.

Mr. Denby to the

Secretary of State

Subject.

The execution of a leading Christian convert at Chungking.

Synopsis.

Lo's religious opinions caused his death. Some observations on religious Toleration in China.

2D ASSISTANT SECRETARY.

APR 29 1887

Dr. Wharton.

You follow all these occurrences with so much interest that I send this to you for your perusal.

I question the expediency of saying very much to Mr. Denby about it. Poor Lo had the misfortune to be a Catholic (French) convert.

a a l

DEPARTMENT OF STATE,

OFFICE OF SOLICITOR,

WASHINGTON, May 3, 1887

Dear Mr. Adee,

I agree with you that we need not take up Lo's case, & that the best way is simply to acknowledge receipt of Denby's No 326, and then let the matter drop.

Yrs.

No. 326.

Legation of the United States.
Peking March 5th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State,
Washington, D.C.

Sir:

As everything relating to the treatment of Christians in China is interesting, I call attention to the sequel of the riots at Chunking.

It will be remembered that after destroying all the Missionary property, the mob attacked the house of a wealthy Catholic family by

by the name of Lo. Lo
summoned his adherents
and made strenuous resistance,
which resulted in many
of the assailants being killed.
The magistrates, who had
utterly failed, to furnish
any assistance to the head
of the house, arrested him,
threw him into prison and
condemned him to death.

This proceeding against
Lo was regarded by all
foreigners as unjustifiable,
because he only exercised the
right of self-defense. It was
taken as an invidious and
arbitrary act of wrong-doing,
instigated and perpetrated
for

for the sole reason that the family were noted Christians. The French Minister, although he had determined not to interfere in favor of Chinese converts, yet, under instructions from Paris, undertook to procure from the Tsung-li Yamên some relief for Lo. The Yamên refused to interfere either to prevent the execution of Lo, or to commute the beheading to death by strangulation, or, finally, to prevent the exhibition of the head of the victim in Chungking. Lo was beheaded and his head was stuck

up

up in a public place in Chungking.

His failure of the Imperial Government to interfere to protect Chinese converts will open up again the question of foreign interference for their protection. The history of the world demonstrates that, when non-Christian countries fail in their duty to protect their subjects who have embraced Christianity, foreign governments intervene for their protection. I do not doubt that the Imperial Government is inclined to religious toleration. China for centuries has seen

a

a rivalry between Buddhism, Confucianism, Mohammedanism and Taoism. Of these faiths, during the lapse of ages, the doctrines of Confucius have best sufficed "to regulate "the government of China, "correct the manners of the "people and exalt the dignity "and institutions of the land." Buddhism has been supplanted by Mahommedanism in India, but has secured many adherents in China. Confucianism is still the predominating religion of China. Confucius and the sages who followed him were in favor of toleration.

Still

Still, in the case of Lo, we see the Government permitting the local officials to sacrifice a man on account of his religious belief in order to gratify a mob. This conduct arises probably, not from any leaning toward persecution for opinion's sake, but because of the deference of this singular government to the wishes of the authorities in the provinces. These authorities are in turn controlled by their subordinates and, at the last, the subordinates are ruled by the mob.

It is supposed that some of the antagonism

to

to Christian converts is due to the hostility to the French on account of the late war. But anti-Christian feeling once developed does not discriminate between sects.

The unoffending Protestant, whose mission is at least as much philanthropical as proselyting, suffers with his more ambitious and more successful rival.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Received for F.R. 1887

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

Mr Everitt

No. 327.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by no. + file
APR 29 1887

Peking March 7th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Lekin tax on kerosene at Canton

One enclosure.

No. 327.

Legation of the United States.

Peking March 7th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to

1/327 enclose herewith a translation of the answer of the Yamên to my dispatch of the 25th ultimo relating to the increased Lekin tax on kerosene at Canton. It will be seen that the Yamên asserts the right of levying the increased Lekin tax in question. They propose

propose to address me
again on the subject.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. T.O. to Mr. Denby No 6/1887
March 4th 1887

Enclosure in No. 327.

No. 6/1887.

Peking, March 4th 1887.

The Foreign Office
to Mr. Denby.

Your Excellency:

Upon the 28th of February the Prince and Ministers had the honor to receive a communication from Your Excellency having relation to the increased Lekin tax levied on kerosene oil at Canton. Your Excellency requested that instructions be sent to the head Lekin office of that province and not to impose any additional tax on that article, etc.

The Prince and Ministers would observe that there is no record of the Yamên having received a report from Canton

Canton) of the issuance of the proclamation (referred to) in said province increasing the Lekin tax on kerosene. But the levy of an additional tax of that nature in the interior is not a tax collected from foreign merchants and it would seem (in consequence) that the rule governing duties ad valorem of 5% can not be put forward or applied to the case. Besides the mere levy of an increased Lekin tax from Chinese merchants is not with the intent or purpose of prohibiting foreign merchants from importing kerosene. Since Your Excellency has addressed me upon the subject it is right to send a copy of your communication to Canton and on receipt of a reply the Prince and Ministers will again address Your

Excellency

Excellency for your information.

A necessary communication in reply addressed to

His Excellency

Charles Denby

&c &c &c

Peking.

Copied for F.R. 1887.

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

2D ASSISTANT SECRETARY.
Ach[s] as read with much interest - Reg 3. M Condon
APR 29 1887

Thos Everett
30

No 328.

Legation of the United States.

Peking March 8th 1887.

Mr. Denby to the

Secretary of State

Subject.

The late article of Marquis Tséng "China; the Sleep and the Awakening"

Synopsis

Resumé of the article with some criticisms thereon.

One enclosure.

No. 328.

Legation of the United States.
Peking March 8th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C

Sir:

I have the honor to enclose herewith an important article entitled "China; the Sleep and the Awakening", written by the Marquis Tseng and published in the Asiatic Quarterly Review.

1/328

The first part of this article describes the condition of China up to 1860

1860. She was then asleep.
"The light of the burning
"palace, which had been
"the pride and delight of
"her Emperors awoke her."

She did nothing desperate
then, but she quietly accepted
her ruines and "set about
"throwing overboard the
"wreckage and to make a
"fair wind of the retiring
"cyclone!"

Then came the "awakening."
China is not agressive. The
emigration of her people
must be accounted for rather
by "the poverty and ruin
"in which they were involved
"by the great Taiping

and

"and Mohammedan rebellions
"than by the difficulty of
"finding the means of
"subsistance under ordinary
"conditions. In her wide
"domains there is room and
"to spare for all her teeming
"populations."

The colonization
of her "immense outlying
"territories has become
"indispensable." But besides
the occupation of waste
lands another agency to
absorb the overflow of
population will be "the
"demand which will soon
"be afforded by the establishment
"of manufactures, the opening

of

"of mines and the introduction
"of railways".

To supply the three
hundred millions of her
population these industries
will employ an immense
number of hands. For these
reasons China is indifferent
to emigration. The outrageous
treatment of Chinese in
other countries, which is
characterized in strong
language, furnishes another
argument against emigration.
But a better disposition
has of late been manifested.
"The United States Government,
"on a recent occasion, energetically
"suppressed a hostile movement
directed

"directed against Chinese
"and awarded to them
"compensation for the losses
"to which they had been
"subjected."

The French war,
although China was
successful, did not cause
her to change her bearing
toward foreigners. Her policy
of moderation will be
continued.

China will soon
attain a position of "perfect
security." She is now
fortifying her coasts and
building a navy. She will
proceed in this policy and
will not now be diverted
from

from it by the building of railways. China will extend and improve her relations with the Treaty Powers, ameliorate the condition of her subjects in foreign countries and place on a less equivocal footing the position of her feudatories. A Commission has recently been appointed to visit foreign countries and report on the condition of the Chinese.

"The Warden of the "Marches is now abroad "looking to the security of "China's outlying provinces "— of Korea, Thibet and

Chinese

"Chinese Turkestan". Any
interference with the affairs
of these countries will be
taken as a declaration of
a desire to discontinue
friendly relations with
China.

China is not
reconciled to the treaties
caused by the events of 1860.
"In the alienation of sovereign
"dominion over that part
"of her territory comprised
"in foreign settlements," and
in other respects, China
feels that the treaties
ought to be denounced "on
"the expiry of the present
"decennial period". To this

end

end she will "surely and leisurely" proceed to diplomatic action."

China desires the nations of the east to sink jealousies and combine in an attempt to reform the treaties.

This resumé of the article in question shows [that it possesses considerable adroitness. It has] by turns denunciation for injuries inflicted and flattering statements of an awakening sense of justice. We have the promise of great material progress in good time. We have denunciation of the treaties but a statement

that

that the attack is to be "surely and leisurely" diplomatic.

The Marquis is probably laying out more work for China than can be accomplished in a generation.

With regard to the denunciation of the treaties the process proposed is declined to be so lengthy that the subject need not now be discussed. But it may be asserted with absolute certainty that the Foreign Powers will not abandon their extritoriae jurisdiction until China shall have remodelled

remodelled her civil and criminal codes and abolished the cruel practices prevailing under them. It is the dread of the effect in China of a change in treaties with Japan which impedes progress in that direction in that progressive Empire.

The rather boastful spirit of this article, which France will find offensive, has little warrant in fact. It will be some generations before China can maintain herself in war against a determined western enemy.

It will be noticed that

that the Marquis relegates to a second and inferior position the instrumentalities which the great minds of China have placed in the first position. He would have the railroads come last instead of first. But as a war measure the railroad is the first desideratum. The facility of moving men and stores, the consolidation of the Empire, the development of the outlying possessions, upon which he puts great stress, all depend on the use of railroads.

The Marquis has

has nothing to say on the
treatment of missionaries.
Yet of all questions this
has been considered by
natives and foreigners alike
as the most practical and
important question in China.
It is not that foreign nations
care about religious propaganda.
They interest themselves
simply in the protection
of their people. The war of
1860, as far as France was
concerned, was waged for
no reason except that a
French Missionary Bishop
had been executed in the
interior. From that day to
this the serious riots have
been

bun against the Catholics.
But all foreigners have
suffered more or less by
them. In Oct. 1871, Prince
Kung used this language.
"The missionary question
"affects the whole question
"of peaceful relations with
"Foreign Powers – the whole
"question of their trade."

It is singular that some
reassuring words as to
religious toleration did not
form a part of the document
under consideration.

Altogether it must
be said that the utterances
of the Marquis, if not of
a Delphic character, are
at

Omit
* *

at least so airily boastful as to contain little substance. They are written rather for home than for foreign consumption. They are intended to flatter Chinese pride and not to enunciate the true sentiments of the writer.

In earnestness and in practical suggestion they fall greatly below the papers of Li Hung Chang and Ho Jung Fang, of which your archives have copies.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

Enclosure.
1. Marquis Tseng's article -
"China; the Sleep and the Awakening"

Enclosure in 328.

IMPORTANT PAPER

BY

MARQUIS TSENG.

CHINA,

THE SLEEP AND THE AWAKENING.

The following important paper by Marquis Tseng appears in the *Asiatic Monthly Review*:—

There are times in the life of nations when they would appear to have exhausted their forces by the magnitude of the efforts they had made to maintain their position in the endless struggle for existence; and from this, some have endeavoured to deduce the law that nations, like men, have each of them its infancy, its manhood, decline, and death. Melancholy and discouraging would be this doctrine could it be shown to be founded on any natural or inevitable law. Fortunately, however, there is no reason to believe it is. Nations have fallen from their high estate, some of them to disappear suddenly and altogether from the list of political entities, others to vanish after a more or less prolonged existence of impaired and ever-lessening vitality. Among the latter, until lately, it has been customary with Europeans to include China. Pointing to her magnificent system of canals silted up, the splendid fragments of now forgotten arts, the disparity between her seeming weakness and the record of her ancient greatness, they thought that, having become effete, the nineteenth century air would prove too much for her aged lungs. Here is the opinion of a distinguished diplomatic agent writing of China in 1849:—"With a fair seeming of immunity from invasion, sedition, or revolt, leave is taken to regard this vast empire as surely, though it may be slowly, decaying."

This was the opinion of a writer whose knowledge of China and its literature is perhaps unequalled, and certainly not surpassed; nor was he alone in entertaining such an opinion at the date on which he wrote, for by many it was then considered that the death of Tao Kwang would severely try if not shake the foundations of the empire. But, as events have shown, they who reasoned thus were mistaken. China was asleep, but she was not about to die. Perhaps she had mistaken her way, or, what is just the same, had failed to see that the old familiar paths which many centuries had made dear to her did not conduct to the goal to which the world was marching.

Perhaps she thought she had done enough, sat down and fallen asleep in that contemplation which, if not always fatal, is at least always dangerous—the contemplation of her own greatness. What wonder if she had done so? Everything predisposed to such an attitude of mind. The fumes of the incense brought by many embassies from far-off lands, the inferiority of the subject races that looked up to her, the perfect freedom from the outer din ensured to her by the remoteness of her ample bournes—all predisposed her to repose and neglect to take note of what was passing in the outer world. Towards the end of the reign of Tao Kwang, however, the sleeper became aware that her situation scarcely justified the sense of security in which she had been reposing. Influences were at work, and forces were sweeping along the coast very different from those to which China had been accustomed. Pirates and visitations of Japanese freebooters had occasionally disturbed the tranquillity of certain places on the seaboard; but the men who now began to alarm the authorities were soon found to be much more redoubtable than these. Wherever they came they wished to stay. Submissive at first, they engaged in trade with our people, and tempted them with strange merchandise. It was not long before troubles arose which showed that the white trader could fight as well as buy and sell. The Treaty of Nanking, in 1842, which was the result of these troubles, opened four more doors in the wall of exclusiveness with which China had surrounded herself. Amoy, Foochow, Ningpo, and Shanghai were added to Canton, thus making five points of touch between China and the West. This did something to rouse China from the Saturnian dreams in which she had been so long indulging; but more was wanting to make her wide awake. It required the fire of the Summer Palace to singe her eyebrows, the advance of the Russian in Kuldja and the Frenchman in Tonquin, to enable her to realise the situation in which she was being placed by the ever-contracting circle that was being drawn around her by the European. By the light of the burning palace which had been the pride and the delight of her Emperors she commenced to see that she had been asleep whilst all the world was up and doing; that she had been sleeping in the vacuous vertex of the storm of forces wildly whirling around her. In such a moment China might have been excused had she done something desperate, for there is apt to be a good deal of beating about and wild floundering on such a sudden awakening; but there was none in the case of China. A wise and prudent prince counselled China to pay the price of her mistakes, whilst the great Chinese statesman who is now in power, and who, since 1860, has rendered such incalculable services to his country began that series of preparations which would now make it difficult to repeat the history of that, for China, eventful year. It is not a moribund nation that can so quietly accept its reverses, and, gathering courage from them, set about throwing overboard the wreckage and make a fair wind of the retiring cyclone. The Summer Palace, with all its wealth of art, was a high price to pay for the lesson we there received, but not too high if it has taught us how to repair and triple fortify our battered armour; and it

has done this. China is no longer what she was even five years a go. Each encounter—and especially the last—has, in teaching China her weakness, also discovered to her her strength.

W have seen the sleep; we come now to the awakening. What will be the result of it? Will not the awakening of 300 millions to a consciousness of their strength be dangerous to the continuance of friendly relations with the West? Will not the remembrance of their defeats and the consciousness of their new-discovered power make them aggressive? No; the Chinese have never been an aggressive race. History shows them to have always been a peaceful people, and there is no reason why they should be otherwise in the future. China has none of that land, hungering so characteristic of some other nations—hungering for land they do not and cannot make use of—and, contrary to what is generally believed in Europe, she is under no necessity of finding in other lands an outlet for a surplus population. Considerable numbers of Chinese have at different times been forced to leave their homes, and push their fortunes in Cuba, Peru, the United States, and the British colonies; but this must be imputed rather to the poverty and ruin in which they were involved by the great Taiping and Mahomedan rebellions than to the difficulty of finding the means of subsistence under ordinary conditions. In her wide domains there is room and to spare for all her teeming populations. What China wants is not emigration but a proper organisation for the equable distribution of the population. In China proper, particularly in those places which were the seats of the Taiping rebellion, much land has gone out of cultivation, while in Manchuria, Mongolia, and Chinese Turkestan there are immense tracts of country which have never felt the touch of the husbandman.

Not only for economical, but for military reasons, the colonisation of these immense outlying territories has become indispensable. And recognising this the Imperial Government have of late been encouraging a centrifugal movement of the population in certain thickly inhabited portions of the Empire. But the occupation of waste lands is not the only agency to absorb any overflow of population which may exist in certain provinces. Another and a more permanent one will consist in the demand which will soon be afforded by the establishment of manufactures, the opening of mines, and the introduction of railways. The number of hands which these industries will employ can only be conceived when we remember that hitherto they have contributed nothing to the support of the country, and that were they developed to only a tithe of the extent to which they exist in Belgium and England, amongst a population of 300 millions, the number of mouths they would feed would be enormous. This consideration will explain the indifference with which the Chinese Government have received the advances which at different times and by various Powers have been made to induce China to take an active part in promoting emigration and engagements for the supply of labour. But even had these reasons not existed, the [illegible] treatment which Chinese subjects have [illegible] in some countries continue to receive, would have made the Imperial Government chary of encouraging their people to resort [illegible] legislation seems only to be made a scourge for their especial benefit, and where justice and international comity exist for everybody, bond and free, except the men of Han. Were it not for the one-sided manner in which in some of these countries the law is administered, one might think, from their benevolent dispensation with the *lex talionis*, that the millennium was at hand there. There is no question of an eye for an eye, or a tooth for a tooth, except ing when the unfortunate offender belongs to the nation of the almond eye.

If anyone should consider this language is too strong, he must be strangely ignorant of the outrages committed on Chinese, and of the exceptional enactments directed against them, to which the Press and the Statute-book have so often borne testimony within the last three or four years. But, to render justice where justice is due, a disposition has of late been manifested by foreign Governments to give Chinese adequate protection against the rowdy elements of their population, and to recognise the right of Chinese subjects to the same immunities as those which by the law of nations are accorded to the subjects of other Powers. The United States Government on a recent occasion energetically suppressed a hostile movement directed against Chinese, and awarded to them compensation for the losses to which they had been subjected. But if neither a spirit of aggression, springing from and nurtured by the consciousness of returning strength, nor the necessity of an outlet for a surplus population, is likely to endanger the good relations which now exist between China and the Treaty Powers, is it equally certain that a desire on the part of China to wipe out her defeats is not to be dreaded? Such was not the opinion of many who watched the course of events during the Franco-Chinese struggle for the possession of Tonquin. On every side we used them to hear it said, even in circles which took the Chinese side, that it would be disastrous to foreign relations should France not emerge from it completely triumphant. Success, it was maintained, would intoxicate the Chinese, make them overbearing and impossible to deal with. But has this been the case?

China laughed to scorn the demands of France for an indemnity, exacted the restoration of her invaded territory, and made peace in the hour of victory. Did this make China proud? Yes, proud with a just pride. Did it change her bearing, or make her unconciliating in her intercourse with the foreign powers? No. At no time since her intercourse with the West commenced have her relations with the



...ers, and more particularly with ... so sincerely friendly. At no ... their just demands been received ...sideration, and examined with ... desire to find in them grounds ... China will continue the ...deration and conciliation which ... happy result. No memory of ... will lead her to depart from it, ... not one of those Powers which cannot ... their misfortunes without sulking. What nation has not had its Cannæ? Answer: Sadowa, Lissa, and Sedan. China has had hers, but she is not of opinion that it is only with blood that the stain of blood can be wiped out. The stain of defeat lies in the weakness and mistakes which led to it. These recovered from and corrected, and its invulnerability recognised, a nation has already reburnished and restored the gilding of its escutcheon.

Though China may not yet have attained a position of perfect security, she is rapidly approaching it. Great efforts are being made to fortify her coast and create a strong and really efficient navy. To China a powerful navy is indispensable. In 1860 she first became aware of this, and set about founding one. The assistance of England was invoked, and the nucleus of a fleet was obtained, which, under the direction of Admiral Sir Sherrard Osborn, one of the most distinguished officers of the Royal Navy, would long ere now have placed China beyond anything save a serious attack by a first-class naval Power, had it not been for the jealousies and intrigues which caused it to be disbanded as soon as formed. Twice since 1860 China has had to lament this as a national misfortune, for twice since then she has had to submit to occupations of her territory, which the development of that fleet would have rendered difficult, if not impossible.

China will steadily proceed with her coast defences and the organisation and development of her army and navy; without, for the present, directing her attention either to the introduction of railways, or to any of the other subjects of internal economy which, under the altered circumstances of the times, may be necessary, and which she feels to be necessary; for, unlike Turkey, she will not fall into the mistake of thinking that when she has got a few ships and a few soldiers licked into form, she has done all that is required to maintain her position in the race of nations. The strength of a nation is not in the number of its soldiers it can arm and send forth to battle, but in the toiling millions that stay at home to prepare and provide the sinews of war. The soldiers are but the outer crust, the mailed armour of a nation, whilst the people are the living heart that animates and upholds it. Turkey did not see this, though it did not escape the keener vision of that Indian prince who, when looking down on the little British force opposed to him, exclaimed: "It is not the soldiers before me who fear, but the people behind them—the Ryots who toil and spin on the other side of the Black Water."

It is not the object of this paper to indicate or shadow forth the reforms which it may be advisable to make in the internal administration of China. The changes which may have to be made when she comes to set her house in order cannot probably be discussed when she feels herself thoroughly overhauled, and can rely on her strength and knows she is now applying to her domestic It is otherwise with her foreign policy. Of the storms which ever and anon trouble the political world, no nation is more master than it is of those which, from time to time, sweep over its physical horizon. Events must be encountered as they arise, and fortunate is the nation that is always prepared for them, and always ready to "take occasion by the hand." The general line of China's foreign policy for the immediate future, clearly traced out, will be directed to extending and improving her relations with the Treaty Powers, to the amelioration of the condition of her subjects residing in foreign parts, to the placing on a less equivocal footing the position of her feudatories, as regards the suzerain power, to the revision of the treaties, in a sense more in accordance with the place which China holds as a great Asiatic Power. The outrageous treatment to which Chinese subjects residing in some foreign countries have been subjected has been as disgraceful to the Governments in whose jurisdiction it was perpetrated as to the Government whose indifference to the sufferings of its subjects residing abroad invited it. A commission has recently been appointed to visit and report on the condition of Chinese subjects in foreign countries, and it is hoped that this proof of the interest which the Imperial Government has commenced to take in the welfare of foreign going subjects will suffice to ensure their receiving in the future the treat-



ment which by the law of nations [illegible] the [illegible] of humanity is due from civilised [illegible] to the stranger living within their [illegible]

[illegible] arrangements for the government of her vassal States, which, until the steamer and the telegraph brought the East and the West so near, had been found sufficient, having on different occasions of late led to misunderstandings between China and foreign Powers, and to the loss to some of the most important of her possessions, China, to save the rest, has decided on exercising a more effective supervision on the acts of her vassal princes, and of accepting a larger responsibility for them than heretofore. The Warden of the Marches is now abroad, looking to the security of China's outlying provinces of Hayas, Thibet, and Chinese Tartary. Henceforth, any hostile movements against these countries, or any interference with their affairs, will be viewed at Peking as a declaration, on the part of the Power committing it, of a desire to discontinue its friendly relations with the Chinese Government.

It is easier to forget a defeat than the condition of things resulting from it; the blow, than the constant galling of the girth. Any soreness which China may have experienced on account of events in 1860 has been healed over and forgotten long ago, but it is otherwise with the treaties which were then imposed on her. She had then to agree to certain and give up vestiges of sovereignty which no independent nation can continue to agree to, and live out of, without an attempt to change the one and recover the other. The humiliating conditions imposed on Russia with regard to the Black Sea in 1856 had to be cancelled by the Treaty of London in 1871.

In the alienation of sovereign dominion over that part of her territory comprised in foreign settlements at the treaty ports, as well as in some other respects, China feels that the treaties impose on her a condition of things which, in order to avoid the evils they have led to in other countries, will oblige her to denounce these treaties on the expiry of the present decennial period. China is not ignorant of difficulties in which this action may involve her, but she is resolved to face them, rather than incur the certainty of some day having to encounter greater ones; evils similar to those which have led to the Land of the Fellah concerning nobody so little as the Khedive.

It behoves China, and all the Asiatic countries in the same position, to sink the petty jealousies which divide the East from the East, by even more than the East is separated from the West, and combine in an attempt to have their foreign relations based on treaties rather than on capitulations.

In her efforts to eliminate from the treaties such articles as impede her development, and wound her just susceptibilities, without conferring on the other contracting parties any real advantages, China will surely and leisurely proceed to diplomitic action. The world is not in a hurry, and that she need hurry, nor

[illegible] will [illegible] her in [illegible] nation



file

Mr Everett
29



No. 329.

Legation of the United States.

Peking March 10th 1887.

Mr. Denby to the

Secretary of State

Subject.

Acknowledging despatches.

No. 329.

Legation of the United States.

Peking March 10th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your dispatches as follows: No. 144 and 145 of Jan. 6th; 146 Jan. 8th; 147 Jan. 10th; 148 149 and 150 Jan. 11th; 151 Jan. 12th and 152 Jan. 15th 1887.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

acted May 18. Cir. Gr.

No. 330.

Dr Loomis May 18

Legation of the United States.

Peking March 18th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Encloses Account for furniture signed.

Synopsis.

Returns thanks for allowance and enquires whether any allowance for current year will be made.

One enclosure.

No 330.

Legation of the United States.

Peking March 10th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

In further answer to your dispatch No 149 of date January 11th 1887, I have the honor to enclose herewith the account transmitted to me, with my signature. I return thanks for the allowance of the account.

1/330

I have the honor to enquire

enquire whether, during
the current year, any
allowance for furniture will
be made.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Account as above.

No 331. Ackn. by draft of Dr. Wharton, May 5, '87. Kelley

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

Dr Charlotte + Mr Everett

Legation of the United States.

Peking March 11th 1887.

Mr. Denby to the

Secretary of State

Subject.

Receipt of International Law Digest.

Synopsis.

Cites § 197 to the point that a Chinese subject cannot be naturalized with some remarks on Sec. 193.

No 331.

Legation of the United States.
Peking March 11th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to acknowledge with many thanks the receipt of the International Law Digest, 3 vols, edited by Francis Wharton L.L.D. It will prove a very useful book to this Legation.

I see under § 197 that the Department has

has sanctioned the doctrine stated by me in my dispatch No. 320 of Feb. 25th. It may be noted further that Article VI of the Treaty of 1868 contains this language:

"But nothing herein
"contained shall be held
"to confer naturalization
"upon citizens of the
"United States in China
"nor upon the subjects of
"China in the United States."

So naturalization was never a right under the treaties.

The general question of protection abroad to aliens

aliens, who have declared their intention to become citizens of the United States, seems, under Sec 193 of this book, to be somewhat uncertain. Mr. Marcy, while asserting that passports cannot be issued to such persons, says "At "the same time it does not "deny to them the right "of extending a certain "degree of protection to "those possessing only the "inchoate rights of citizenship".

It seems to me that the correct doctrine is here enunciated. The discretion should be left to the

Representatives

Representatives of the Government abroad to determine whether, and under what circumstances, and to what degree, assistance, or protection, should be afforded. The party having renounced allegiance to his own government can apply to no other government except that of the United States. There would then be a wrong without a remedy, a condition which the law abhors.

But if under our laws the party can never be naturalized he is entitled to no protection whatever

whatever.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Consº. 4 May 1887
Draft in Dr W's Report 290.

No 332.

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

Mr Everett
3

Legation of the United States.
Peking March 11th 1887.

Mr. Denby to the
Secretary of State

Subject.
Appellate jurisdiction of Minister.

Synopsis.
The Minister is of opinion that he has no appellate jurisdiction when the matter in dispute exceeds $2500.

No 332. Ack[n] by draft of Dr. Otharson. May 4. 1887. Kelley

Legation of the United States.

Peking, March 11th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to request the opinion of the Department on this question: Has the Minister in China appellate jurisdiction where the sum involved is greater than twenty-five hundred dollars?

My judgement is clear that he has not.

Sec.

Sec. 4092, R.S. 1878, provides for an appeal to the Minister when the matter in dispute exceeds $500 and does not exceed $2500. Sec. 4093 provides that when the matter in dispute exceeds $2500 an appeal shall be allowed to the Circuit Court for the District of California.

Sec. 4094 provides for an appeal from the Minister in cases of original jurisdiction where the matter in dispute exceeds $2500. I think nothing can be plainer than that all cases in the Consular Courts wherein

wherein the matter in dispute exceeds $2500 must be appealed directly to the Circuit Court of California.

Yet the lawyers in Shanghai have raised the question whether Sec. 4093 is, as they say, "directory" or "mandatory," and whether appellant may not take his choice of the Courts of last resort. The Consul-General desired me to announce in advance whether I would entertain jurisdiction of a case involving more than $2500. I declined to volunteer an opinion without jurisdiction or argument or consent of

parties

parties. I followed the old law books which prescribe that "you must not pump until you come to the stile."

But, knowing from long experience how courts and lawyers differ in the construction of statutes, I am emboldened to ask your opinion thereon.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
APR 29 1887
RECEIVED

Separate. One enclosure. 29

Legation of the United States
Peking, March 14th, 1887.

Wm. F. D. Bachus

to the

Secretary of State

Washington

Enclosing Duplicate Account for Losses by Exchange.

Separate. One enclosure.

Legation of the United States.
Peking, March 14th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to enclose duplicate statement of my account for losses by Exchange for the past year.

I have the honor to be,
Sir,
Your obedient servant.

J D Cheshire

Interpreter of Legation

Enclosure

Duplicate statement as above.

DEPARTMENT OF STATE
APR 29 1887
RECEIVED

Mr Everett

No 333. One enclosure.

Legation of the United States.
Peking, March 14th, 1887.

Wm Charles Denby.

to the

Secretary of State

Subject.

Enclosing duplicate statement of Repairs account of legation for year 1886.

File

No 333 One enclosure.

Legation of the United States.

Peking March 14th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to hand
333. you enclosed duplicate statement
of the Repairs Account of
this Legation for the year 1886.

I have the honor to be,
Sir,
Your Obedient Servant.
Charles Denby

Enclosure
Duplicate statement as above.

The United States Legation in account

	From January 1st 1886			$
31	To paid Yanglong as per voucher	A		430
	" " W. R. Lambuth	B		535 74
	" " F. Ohmer	C		12 -
	" " Yangbo	D		74 63
	" balance forward at credit			22 70
			$	649 37

Legation of the United States
Peking, December 31st 1886.

for Repairs.

1886			
	to December 31st 1886		Cr.
January 1	By amount forward from last years account		49 37
December 31	" amount allowed for repairs as per bears		600 -
			# 649 37

1886.

Charles Denby
United States Minister

A.

The United States Legation

To Yang Sung Ho Dr.

29th " 1886. To setting grate in

Minister's office $4.30

Received Payment. 楊增和收

B.

Duplicate

Peking Oct 26th 1886.

Received from the Honorable Charles Denby, United States Minister the sum of Five Hundred and thirty five Dollars and seventy four cents being amount expended in repairs ordered and sanctioned by me to the premises occupied by the United States Legation at Peking up to date.

W. R. Lambuth.

Agent for the Attorney of the Estate of the late S. Wells Williams.

C5-

Received December 20th. 1886 the sum of twelve dollar for repairing the floor of the Reception Room at the United States Legation.

(signed) Fi Shun

德順木廠收

D.

Peking, January 22nd. 1887.

Received from Charles Denby the sum of Seventy four dollars and Ninety three cents in full payment for papering Minister's house and Servants Quarters 1887.

(signed) Hsing Ho

興
河



No 334. One enclosure.

Legation of the United States
Peking, March 14th, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject.

Duplicate statement
of account for Losses
by Exchange 1886.

No 334. one enclosure.

Legation of the United States.
Peking, March 14th, 1887.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to
hand you enclosed duplicate
334. statement of the account for
honor by Exchange on my
salary drafts for the year 1886.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

Enclosure.
Duplicate statement as above.

DEPARTMENT OF STATE
APR 29 1887
RECEIVED

Mr Everett

No 335. One enclosure. 29

Legation of the United States.
Peking, March 14th, 1887.

W. Charles Denby
to the
Secretary of State
Subject.
Duplicate Returns of
Passports for 1886.

HPR

No 335. One enclosure.

Legation of the United States.
Peking, March 14th, 1887.

Honorable Thomas F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to
enclose duplicate returns of
the Passports issued at this
Legation for the year 1886.

335.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure
Duplicate returns as above.

Return of Passports issued

	Name	Date	State or Country	Age
66	George B Bruce	January 18	✓	29
67	Spencer Ferris	" "	✓	31
68	William Atkinson Jr.	February 15	✓	34
69	S. B. Partridge	" "	✓	48
70	B. L. Berry	" "	✓	35
71	Mary L Fulton	" "	✓	25
72	Charles R Wilkes	March 9	✓	56
73	Emery M McCandless	" 23	✓	27
74	Frank P Lehman	" "	✓	32
75	W. F. Walker	April 12	✓	39
76	Robert M Walker	May 14	✓	33
77	J. B. Burnett	" 20	✓	This pr. issued in lieu of
78	Mark Williams	" 26	✓	50
79	Sydney L Partridge	June 11	✓	28
80	Mary L Fulton	August 2	✓	25
81	Wellington J White	" 3	✓	35
82	Albert G Fulton	" "	✓	37
83	Martin L Stimson	" 14	✓	30
84	Oscar F Risser	" 28	✓	27
85	Charles Sutton Lehman	September 10	✓	32
86	Franklin M Chapin	" 15	✓	33
87	Arthur C Knights	" 20	✓	53
88	S. L. Jarvis	October 4	✓	45
89	W. C Langdon	November 5	✓	31
90	John Myers Swan	December 14	✓	26
91	Ernest Easty	" "	✓	26
92	Minnie Arabella Baggett	" "	✓	24

Legation of the United States,
Peking, December 31st 1886.

Charles Denby.
United States Minister

during the year 1886. No. 335. Peking Mch 14/87

Height ft in	Eyes	Nose	Hair	Face	Complexion
6.	Grey	Prominent	Black	oval	Light
6.	Light blue	Large	dark brown	Long	do
5. 9	Blue	ordinary	Brown	do	Fair
5. 6	do	do	Grey	Sixth	do
5. 4 1/4	Brown	do	Brown		do
Tall	Light	Long	Light	Long	Light
6.	Blue	Medium	Grey	do	Fair
5. 7	do	do	dark brown	Medium	Ruddy
5. 1	do	Long	Light	Round	Fair
6. 10	Hazel	Grecian	Brown	do	do
5. 11 3/4	Blue	Medium	Light	Square	Pale
No 390. which was not rec'd by Chinese authorities.					
6. 6 1/2	Blue	Straight	Light	Oval	Florid
5. 10	Brown	do	Brown	do	Fair
No fee. issued in lieu of passport 471 lost.					
5. 9	Blue	Grecian	Brown	Round	Fair
5. 11	do	Straight	do		do
5. 10	do	ordinary	do	oval	Florid
6. 1 3/8	Black	Large	Black	Long	Fair
5. 4	Grey	Straight	light brown	oval	do
6. 1 1/2	do	do	dark	Long	Light
5. 10 1/4	do	do	Grey	do	do
5. 11 3/4	Hazel	do	light curly	Large	Sallow
5. 9 1/2	Blue	Small	Black	oval	Light
5. 7 1/2	Grey	Short	dark	Round	do
5. 7	Dark	Straight	do	oval	Clear
5. 3	Grey	ordinary	Brown	ordinary	Fair
		25 Passports @ $5. each.			$125.00

Mr Everett

29

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

Ch by ms Hfile

No 336.

Legation of the United States.

Peking March 15th 1887.

Mr. Denby to the

Secretary of State.

Subject

Forwards Customs Reports.

No. 336.

Legation of the United States.

Peking March 15th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to forward under seperate cover two copies of the Customs Gazette, No. LXXII Oct-Dec 1886, two copies of the Customs List of the Chinese Light-Houses, Light-Vessels, Buoys and Beacons for 1887 and two copies of the Medical Reports for

to Mr. Ford & to Navy Dept. Ap. 29.

to Treasy & Navy Dept Ap. 29.

to War. & Treasy Dept. Ap. 29.

for the half year ended
Sept 30th 1886.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

Copies for F.R. 1887

No. 337. Fourth series. May 17. Cable

Mr Everett 2

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

Legation of the United States.

2D ASSISTANT SECRETARY:
Copy to War Dept for its information May 3.
Ack. decarding to May 2.
APR 30 1887

Peking March 15th 1887.

Cridler

Mr. Denby to the

Secretary of State.

Subject.

Proposed method of controlling the Yellow River.

Synopsis.

The Governor of Shantung proposes to divert part of Yellow River into old channel in Kiangsu; reasons in favor of and against.

No 337.

Legation of the United States.
Peking March 15th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

The control of the
Yellow River presents the
most difficult problem
that Chinese engineering
skill has ever encountered.
For thousands of years this
river has annually broken
its banks and destroyed
the immense works which
the Government, with great
persistence

persistence, labor and
expense has built to restrain
it.

This, the record of
the great streams of China,
rises in the plain of
Odontala northwest of
China, a distance of 1290
miles from the sea. Its
numerous windings, however,
make its total length at
least twice this distance.
The basin drained is
estimated at 475 000 square
miles in area. The difference
in its depth in summer and
winter renders it useless for
navigation. The silt carried
by the rapid current blocks
up

up the mouth and renders
the channel uncertain
and unstable. The mouth
is gradually filled with
silt and the water is
thereby backed up until
it overflows its banks
and finds a new route
to the sea. This peculiarity
has been the cause of
overflows and of changes
of course. The last change,
which occured about thirty
years ago, was from the
course through Kiangsu to
the present one in Shantung.
Shantung and Kiangsu
are the two provinces which
suffer by the overflows.

The

The first record of engineering attempts to check the Yellow River's overflows dates back to the reign of Yao B. C. 2293. From that time to this large sums of money have been annually expended in repairing old embankments and in building new ones. Nevertheless the river still remains the "Sorrow of China"!

Very recently the subject has been taken up by the Imperial Government with renewed determination. A late decree orders Chang Yao, Governor of Shantung, to take steps "to permanently

Control

"control the Yellow River!"
The plan of building dykes
having been tried for
centuries and failed, this
official memorialized the
Throne proposing a new line
of action. His idea is to
divert "a certain portion of
"the waters of the Yellow
"River into the former Course
"to the north."

The Empress, on
the 31st December last, with
reference to this memorial,
ordered the Grand Council
and the Board of Revenue
and Works to report on
the advisability of this
plan. The Gazette of Jan. 12th
last

last contains a memorial from the Governor General at Nanking, the Director-General of Grain Transport and the Governor of Kiangsu, submitting their views "on "the subject of diverting 30% "of the volume of the Yellow "River into its old bed, as "proposed by Chang Yao, "Governor of Shantung and "Yu Po Chuan, one of the "Superintendents of the Peking "Granaries."

They conclude, and the Director-General of the Yellow River supports them, that the project cannot be carried out. Their reasons, summarily

summarily, are as follows.
Firstly, the old bed has
been abandoned more than
thirty years. It is over 300
miles in length, is full
of inequalities and, further,
is inhabited and under
cultivation. Moreover, in
many places all traces
of the river bed have
disappeared.
Secondly, the old embank-
ments which "are 1,606,000
"feet in length on the
"southern side and 1,442,000
"feet on the northern bank,"
have, through lapse of time,
fallen into disrepair.
Thirdly, should the change

be

be effected, when the flood is high, "the waters of the "Yellow River will pour "into the Grand Canal and "ruin it."

In the same issue of the Gazette Chang Yao combats at length the above objections. With regard to the people who have settled in this old river-bed, and whose eviction would be necessary, he says they number but 1230 families, while in Shantung (his own Province) "60.000 families are "flooded out year after year "and, at the present moment, "there are over 30,000 homes under

"under water."

With regard to the condition of the embankments, Chang Yao replies that the old embankments in Kiangsu are larger and better than the present ones in Shantung. As to the danger to the canal, he says that the amount of water to be admitted into the new channel can be regulated by sluices. He further points out that, "judging from the manner in which the Yellow River is silting up in Shantung, it is bound either to find a way for itself through Chihli or to

"to force itself into its old
"bed of its own accord,
"with disastrous effects in
"both cases, the measure of
"which it is impossible to
"dilate upon."

However natural
it may be for Chang Yao
to try to transfer his
troublesome charge from
his own province to Kiangsu,
the expedient could effect
no permanent solution of
the difficulty. The only
resort is to foreign engineers
and engineering methods.
The Chinese Government
seems to prefer to expend
large sums annually in
tentative

tentative methods of
temporary relief than by
one gross expenditure to make
a radical and permanent
improvement.

In this connection
I have the honor to request
that, should the Department
have any works or pamphlets
on the means used by the
Government of the United
States to control the
Mississippi River, copies
should be forwarded to this
Legation. I would take great
pleasure in presenting them
to the Tsung-li Yamên. This
would be regarded as an
act of courtesy by the Government

and

and might be of some
substantial use.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
APR 29 1887
RECEIVED.

No 338.

Wm Everett
3

2D ASSISTANT SECRETARY.
Acte and approved
May 4. 1887
APR 30 1887

Legation of the United States.
Peking, March 18th, 1887.

Wm. Charles Dudley.

to the

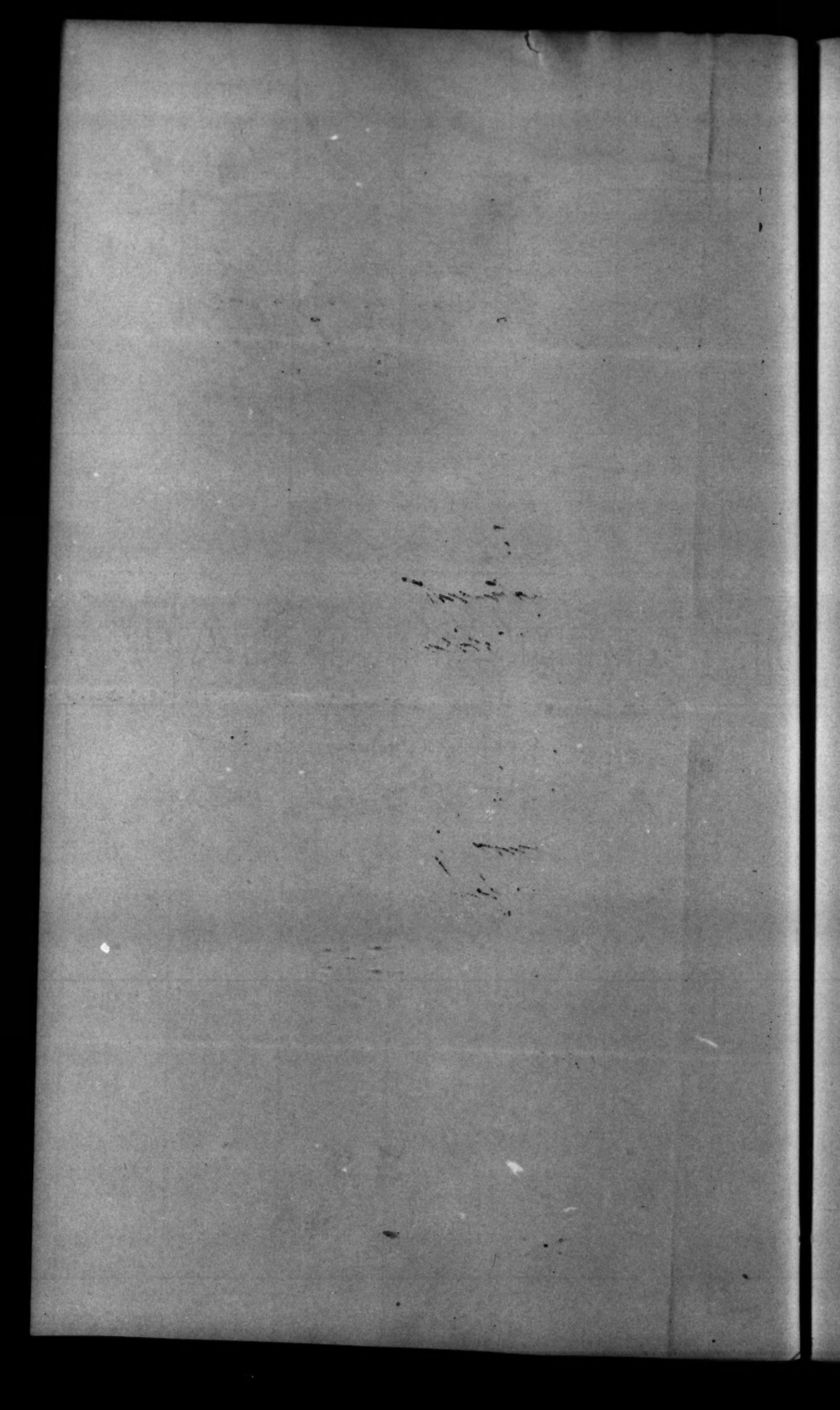
Secretary of State

Subject

Standing of American
schooner Virginia at
Formosa, Formosa.

Synopsis

W. Dudley returns thanks
to Governor of Formosa
for offer of assistance,
&c.



No 338.

Legation of the United States.
Peking, March 18th, 1887.

Honorable Thomas. F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to report to the Department that the American schooner "Waptrick," loaded with timber, while crossing the bar at Tamsui, Formosa, went aground. This happened on the 31st of January last.

The Governor of Formosa, on hearing of the accident, despatched the Chinese transport "Wayter," to the assistance of the schooner, as well as despatched a contingent of soldiers to protect any cargo that might be jettisoned.

For the prompt and timely offer of assistance on the part of the said Governor, I addressed a note to the Foreign Office asking

the

Her Prince and Ministers to be good enough to convey to that officer my high appreciation of this act of courtesy, which, in a reply I have just received from the Yamen they promise to do. I also returned thanks to the Captain of the "Waylee".

I have the honor to be,
Sir,
Your obedient Servant,
Charles Denby

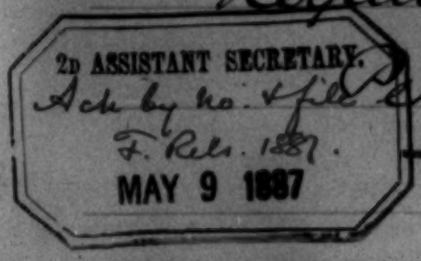
copies for F.R. 1887



Mr Everett
9

No. 339.

Legation of the United States.



Peking March 19th 1887.

Mr. Denby to the

Secretary of State.

Subject.

Manifesto by the Emperor announcing his accession to the throne.

Synopsis.

Statement that no notice of Emperor ascending throne has been given to Ministers.

One enclosure.

No 339.

Legation of the United States.

Peking March 19th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose herewith translation of a manifesto by the Emperor on his ascending the throne. It was published in the Shanghai Courier of the 11th instant. It did not appear in the Peking Gazette and was not brought to the attention of the foreign

1/339

foreign Ministers in any way. It seems to have been sedulously concealed. In 1873, on the assumption of the reins of government by the Emperor Tung Chi, official notice of the event was sent to every Legation. A demand for an audience followed this notification. The avoidance of this procedure now plainly indicates that the Imperial Government is determined to prevent an audience if it can. No official notice of the accession of the Emperor, or of this manifesto, has ever been sent to any

Minister

Minister. "

Proclamations are still sometimes issued by the Empress.

The foreign Ministers do not seem inclined to take up the audience question. The Italian and Spanish Ministers are expected here shortly. I am awaiting their arrival before formally raising the question in the Diplomatic Body.

omit * *

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure.

1. Emperor's Manifesto,

Shai Courier 11 March 1887.



Enclosure 1 in No 339.

The Shanghai Courier.

SHANGHAI, FRIDAY, 11TH MARCH, 1887.

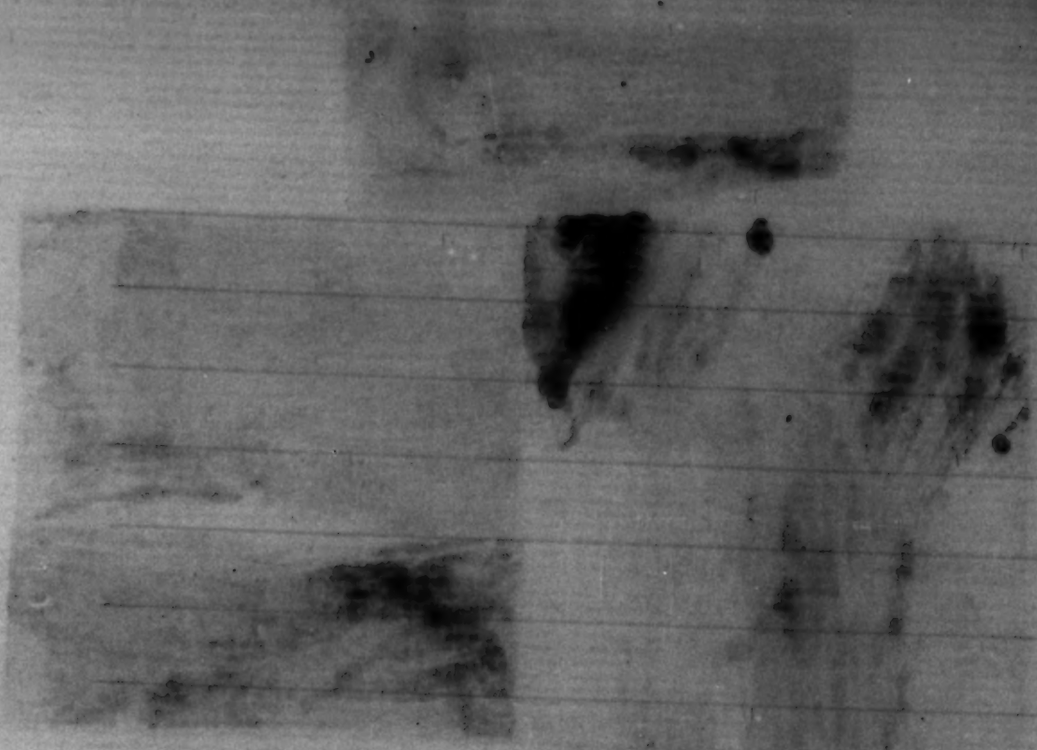
THE EMPEROR KWONG [illegible]'S MANIFESTO.

(TRANSLATED FROM THIS MORNING'S "SHUNPAO.")

By the appointment of Heaven, I have ascended the throne for 18 years, and during that time the Empress Regent, in consideration of my extreme youth, consented to transact the important affairs of State behind a screen, so that I might devote myself to study, and not disappoint my ancestors in the administration of the Government. For over ten years, the Empress has been untiring in selecting wise men for the Government service, and dismissing those who were incapable for their office. Whatever money she spent was for the benefit of the people, and the whole nation has been peaceful. History has never recorded such a brilliant administration as that under Her Majesty, a fact of which both officials and people are aware. Now the Empress has decreed that my education having been completed, I should assume the reins of Government in person. When I heard of the decree, I trembled as if I was in mid-ocean, not knowing where the land is. Her Majesty will, however, continue to advise me, for a few years longer in important affairs of State. I shall not dare to be indolent, and in obedience to the Empress's command, I have petitioned the Heaven and Earth and my ancestors that I shall assume the administration of the government in person on the 15th day of the 1st moon, in the 13th year of my reign. Guided by the counsel of Her Majesty, everything will be done with care. The Princes and officials should be loyal, and should be diligent in reporting the requirements of the people. Then the nation will be peaceful, and the Empress has not taught me in vain. The Government of the Empire has been handed down to me alone, by Heaven and my ancestors, and I consider the welfare of my people and officials as my own. I have thought fit to grant the following favours :—

(1) The graves of the Emperors and the temple of Confucius are to be worshipped by the officials with the customary ceremonies. (2) The temples of the Gods of the Mountains and Seas, etc., are to be repaired by the local officials as a token of respect. (3) Both Manchu and Chinese dutiful sons and grandsons, as well as chaste husbands and wives, are to be reported by the local officials to the Board of Ceremony, for proper recognition. (4) All the Civil and Military Officials are to be promoted one grade higher in rank. (5) The Civil and Military Officials in Peking who are temporarily degraded or fined, shall be exempted from their sentence. (6) The orphans, the poor, and sick people of all the Provinces are to be specially cared for by the local officials, and houses should be built for them to live in. (7) Soldiers, who are over seventy years of age, are each to be allowed one son to take care of them, and to be exempted from military service. (8) The important roads and bridges of all the Provinces are to the repaired by the local officials, under the instruction of the Governors.

These first orders are given for the benefit of the people, and let every one be aware. Stamped by the Emperor's seal, on the 15th day of the 1st moon, 13th year of Kwong-Hsü."



copies for F.R. 1887

Mr Everett

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED.

9

No. 340.

Legation of the United States.

Peking March 21st 1887.

2D ASSISTANT SECRETARY.
Ack by No. + file
MAY 9 1887

Mr. Denby to the

Secretary of State.

Subject.

Enclosed criticism on the article of Marquis Tseng.

One enclosure.

No. 340.

Legation of the United States.

Peking March 21st 1887.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington D. C.

Sir:

The article entitled "China; the Sleep and the Awakening", of which I sent you a copy in my despatch No. 328 of March 8th, has provoked many criticisms in China. One which appeared as a supplement to the Chinese Times, and is signed "Sinensis", is the

the most elaborate that I have seen. I have concluded to send the following abstract thereof (together with the article itself.)

Omit
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The writer enumerates the steps of progress recommended by the Marquis Tseng as follows— the creation of a navy; the coast defense system; the strengthening of the army; the improving of relations with the Treaty Powers; a more effective supervision of feudatories; the repeal of the alienation of sovereign dominion over her territory comprised in foreign settlements:

The

The writer says that these
exertions "are like the
"convulsive struggles of a
"sleeping man suffering from
"nightmare or delirium".

He claims that the
first duty of China is
"Equitable rule and right
government". She must
first "discountenance official
corruption" and adopt "a
just and liberal policy"
towards her own people.

He charges that the
two modes of securing
appointment to office should
be abolished. The first is by
literary examinations and
the second by purchase.

There

These examinations, he charges, are worthless as a test of real ability. They require no knowledge of modern science or arts. They demand only a good memory and "a close "acquaintance with the precepts "and sayings of China's ancient "sages". The opportunities for fraud are great "and money "plays an important part." He says that the Chinese Fleet at Foochow was commanded by one of the "literati of the first water", but as an officer he was utterly incompetent.

A third method of securing advancement is the military service. Here money

money reigns supreme. Blue or variegated feathers, special mention for bravery are bought openly. The Chinese officials are to be commiserated. Their literary training is no help in the discharge of their duties.

It is much to be regretted that "China's choicest sons", who have been trained abroad, are "cast "away in favor of those who "have obtained official position "by the methods above enumerated."

China needs a navy but she needs most "competent "hands to man her forts and "fight her ships."

The

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The

The students at the naval schools are, as a rule, maltreated and compelled to serve under ignorant officers.

The Chinese Army should be entirely reformed. It is badly armed, and officered by incompetent men. The achievements of the "Ever Victorious Army" commanded by General C. G. Gordon are cited to show what Chinese soldiers can accomplish under proper guidance.

It is admitted that China's relations with foreign powers are just cause of complaint, but no particular

remedy

remedy is suggested for
these evils.

"The real weakness
"of China is her loose
"morality and evil habits,
"both social and political."

The strengthening of
the Army and Navy will
have no influence in retaining
to China the sovereign right
of bringing every foreign
resident within her territory
under her own laws. To do
this "the extorting of evidence
"from prisoners by corporal
"pain", "bribery and unfair
"dealings", "the filthy prisons",
the ling chi (death by the slow
process of cutting off each
member

member in turn) must all be abolished.

If China were twenty times as strong as she is the foreign powers would not submit their people to her jurisdiction as the laws are now administered.

The plan of exercising a more effective supervision over her vassal provinces is not much commended. China should first learn to govern herself wisely.

It is advised that China should raise money by borrowing from her own people. She should have a national debt in which her

own

own people can invest. But at present the official corruption is so great that the people believe that their money once deposited with the Government is forever lost.

Improvements should be as much as possible left to private enterprise. But to accomplish this end underhand dealings, buying blackmail, imposition of heavy taxes, the assumption of injurious prerogatives should be effectually prohibited.

The writer does not share in the boastful feeling

feeling of the Marquis at the result of the French war. China suffered crushing defeats at Foochow and Keelung and France retained Tonquin.

The Marquis has mistaken the effect for the cause. He has not probed the disease.

The ideas of the article strike me as sound and the criticism just.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Supplement to Chinese Times March 12th 1887.

Enclosure 1 in No. 340.

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED.

SUPPLEMENT TO

THE CHINESE TIMES.

TIENTSIN, SATURDAY, 12TH MARCH, 1887.

he Sleep and Awakening of China, by the Marquis Tseng.

The *China Mail* is not so generally read the north of China, perhaps, as it deserves to be, and therefore we think it orth while to reprint from its columns he following practical, sympathetic, and oderate comment on the Marquis Tsêng's rticle which is exciting so much interest Europe. The paper is written by a hinese, a circumstance which lends it dditional interest. When we have a few ore real Chinamen writing in foreign nguages with the mastery which these wo possess we may hope to obtain a more ccurate acquaintance with the thought f the country than we can boast of at resent :—

"CHINA: THE SLEEP AND AWAKENING."

The ably-written article which has appeared nder the above title, and which is attributed the pen of the Marquis Tsêng, has attracted vast amount of attention here and in Europe; nd we need offer no apology for publishing the ommunication given below, in which the views f the former Chinese Minister to London are reely discussed. As may be gathered from the *om de plume* of the writer, "Sinensis" is a Chinese gentleman who takes a deep interest in he welfare of the Great Empire in the service f which the noble Marquis is so conspicuous n official; and if the discussion here entered pon should lead the more advanced and more ighly enlightened of China's sons,—her men of ight and leading—to reconsider or to modify heir views as to the true road to progress in he Chinese Empire, the object of the writer vill doubtless be fully accomplished.

To the Editor of the CHINA MAIL.

February 12th, 1887.

SIR,—I read with great interest in your issue f the 8th instant, a remarkable article on China—the Sleep and Awakening," purporting o have been written by the Marquis Tsêng, which will" (as was there stated) "appear in the forthcoming number of the *Asiatic Quarterly Review*." I do not intend to write exactly a critical review of this truly "remarkable" article, but I am resolved to take this early opportunity to offer a few humble words in season to the noble Marquis and those who think with him. I have watched over the condition of China with much hope and anxiety. I have long looked forward to her awakening from her lethargic slumber of centuries with eager earnestness. Consequently the remarks I am about to make are the result of years of study, and with sincerity they are now offered. What heed will be paid to them by those most concerned I know not—much I do not even dare to hope for; but surely the time has come for some one, however insignificant, to attempt the rousing of the all-but-eternal dreamer into activity, and to wean her from her chronic state of drowsy oblivion. The task I have set myself is a gigantic one. My poor efforts will prove but drops in the ocean. That may be; none the less I wish to raise my voice with no uncertain sound, and, when opportunity occurs, put my shoulder to the wheel along with those who are more highly gifted than I am.

The first question we have to determine is,—Is the sleeper really awake? The Marquis seems to think that she is, and wide awake too. If so, what are the signs? Here the noble Marquis gives them :—

"Great efforts are being made to fortify her coast and create a strong and efficient navy;" "China will proceed with her coast defences and the organisation and development of her army and navy, without, for the present, directing her attention either to the introduction of railways or to any of the subjects of internal economy; the changes which may have to be made when China comes to set her house in order can only profitably be discussed when she feels she has thoroughly overhauled and can rely on the bolts and bars she is now applying to her doors." "The general line of China's foreign policy . . . . . will be directed to extending and improving her relations with the Treaty Powers, to the amelioration of the condition of her subjects residing in foreign parts, to the placing on a less equivocal footing the position of her feudatories as regards the suzerian power, to the revision of the treaties in a sense more in accordance with the place which China holds as a great Asiatic power." "China has decided on exercising a more effective supervision on the acts of her vassal princes and of accepting a larger responsibility for them than heretofore. Henceforth, any hostile movements against these countries or any interference with their affairs will be viewed at Peking as a declaration on the part of the Power committing it of a desire to discontinue its friendly relations with the Chinese Government." "In the alienation of Sovereign dominion over that part of her territory comprised in foreign settlements at the treaty ports, as well as in some other respects, China feels that the treaties impose on her a condition of things which, in order to avoid the evil they have led to in other countries, will oblige her to denounce these treaties on the expiry of the present decennial period; China intends on the establishment of manufactories, the opening of mines, and the introduction of railways."

This is a full list, and the Marquis is to be complimented on crediting China beforehand with such numerous good intentions. But supposing that China intends all these, and will act up to all her intentions, will she succeed without more? Even if she succeeds in some measure, will she be considered wide awake and conducting her affairs like a man in the full possession of his senses? No. These objects, though all very desirable in themselves, are not to be attained by mere wishes, nor by all-directed efforts. To China as she is, these objects are part and parcel of her dreams. The exertions and energy which are alleged as being put forward and which she is now presumed to bring to bear, are like the convulsive strugglings of a sleeping man suffering from a nightmare or delirium, utterly illogical and without the shadow of guiding principles. She may chance to hurt some of her neighbouring sleepers or even those who are awake but indiscreetly placing themselves too near and not being continuously on the alert, or, what is more probable, she may injure herself by coming into contact with some substance of unyielding solidity. Put the cart before the horse, and the result is certainly not progression but retrogression. This will be the keynote of my criticism, and I shall endeavour to make good my positions.

None will dispute the vast resources of the Chinese Empire, nor is there any one who doubts the unceasing industry and latent strength of her teeming millions. All the materials essential to the building up of a mighty nation are there and in abundance. At the commencement, however, she requires some wise architects and the laying of a firm and lasting foundation. What that foundation is or ought to be one has not to go far to seek. It has been, is, and ever shall be the true foundation of every truly great nation. It may be summed up in a sentence, viz., Equitable rule and right government. China can never be what her many well-wishers fondly desire her to be unless she will first cast aside all her unjust dealings with her own children and learn to dispense justice with an impartial hand,—to discountenance official corruption in every form and to secure the happiness and unity of her people by a just and liberal policy. In short, before undertaking anything else, she should look after the all-necessary reforms in her internal administration. She must not wait for another more convenient season, but begin at once "to set her house in order," even before "she feels that she can rely on the bolts and bars she is now applying to her doors." **如知其非義斯速已矣何待來年.** Bad servants are worse than thieves and robbers, while a united household is in itself a strong bulwark against any external eruption. Of what avail are bolts and bars when, in times of danger, no one is found competent or faithful to attend to them.

Listen to the words of your sages:

如家天終矣 不齊而后有道矣 利家而后治事則近道 地利而后治國則本末有所先後 地修而后國有物 如身不時和而后平 天人賽下始知

They are as applicable now as they ever were.

After such considerations is it strange that I should refuse to accept the signs which the Marquis gives as indicative of the awakening of China. Until I see China earnestly at work pushing on her internal reforms, and thus striking at the roots of those evils that have beset her for ages—evils which have made her what she is—so weak, so unmanly—and which were the frequent and sole causes of her numerous humiliations,—I shall not believe that she is really awake, in spite of the improvements in her Coast Defence, her Army, and her Navy.

I will support my contentions in a more practical way. I shall point out that, without complete and sweeping reforms in her internal administration, China can never succeed in carrying out these purposes, and that internal reforms must in every case precede, and cannot come after or accompany such otherwise praiseworthy undertakings.

It will not be denied, I think, that the welfare of a nation, especially where absolute monarchy obtains, is very much in the hands of the officials who are entrusted by its Sovereign to rule over his subjects. On these depend, in a large measure, the happiness, unity, and strength of the people under their sway. By their exalted positions, they are mighty to do good or evil to those around them. How does China choose and promote her all-powerful officers? Formerly, years ago now, there was an excellent way. The Emperor and those in authority opened their ears and cast their eyes over the Empire, and when a person was found renowned for virtue, talent, learning, ability, and experience, he was at once invited to take office, high or low according to his capacity. The invitation was couched in most cordial terms and almost always accompanied with valuable presents. In the case of a person of extraordinary merit it was usual for the ruler to go personally to tender his invitations. But this mode has long since gone out of fashion. It was buried with the sages who ruled over China so successfully. Now there are only two ways of entering the official circle—by literary examinations, and by purchase. Possibly there is a third; but that way is open to many glaring abuses, and is after all more a door leading to promotion than a separate entrance. I refer to the military service **軍功**.

The second mode of procuring an official position—*i.e.*, by purchase—is rank and vile, and I need not here discuss its attendant evils at any length, since they must be apparent to every one. The longest purse will win the day, and the purse will become longer at the expense of the people and to their ruination. One can scarcely blame those who have purchased their ranks for enriching themselves still more by preying on their subjects. Have they not invested their capital, and should they not wish or expect handsome returns? Several years ago, it was rumoured that the system of purchase had been abolished; but, alas! it exists up to the present day.

The first mode is more reasonable, and on the face of it seems to conform to modern ideas; but any one who would take the trouble to enquire into the matter will see at once that these examinations are entirely worthless as a test of real ability and talent. To be successful in these examinations involves no knowledge of modern science or arts. Success certainly requires a good memory and a close acquaintance with the precepts and sayings of China's ancient sages, most of which are now, unfortunately for poor China, better known than practised. The attendant abuses are numerous and subtle. Money here plays an important part. Favouritism another. Some candidates provide themselves with substitutes, who write for them for substantial considerations; others take into the examination hall large collections of old essays to copy from; while others again ensure their success by resorting to handsome presents. Is this then an effective means of obtaining men of talent and superior qualities? I trow not. Has not the Foochow naval engagement which the Marquis alludes to distinctly proved that it is not? Was not the commander-in-chief of the Foochow fleet a literate of the first water, and was not his knowledge of the Chinese classics intimate, and was not he a scholar who had passed his third literary examination with flying colours, and finally admitted a member of the Imperial College? But the defeat was not his fault. He could no more help it than, to use a common phrase, could the man in the moon. Where had he been trained in naval warfare, and where had he got his knowledge of naval engagements? Decidedly not from his Chinese classics which formed the chief subject of his past examinations. And yet he has been punished for circumstances over which he had no control.

To come to the third mode—Military service. This would be more rational and just were it not for the enormous mass of corruption that surrounds it. Money and not true merit reigns here more than anywhere. Do you want your blue or variegated feather? Fork out your coin, and you shall have it. Wish you to be specially commended for bravery in action? Pay your price, and in due time your name shall appear among the bravest of the brave, though you might have been thousands of miles away from the scene of the battle; or, being there, had never fought at all. But then it is not every one's taste or good fortune to be present at a battle, and the rewards to the courageous are not always certain. While I am speaking of China's officials, let me heartily sympathise with every honest man amongst them. His lot is doubtless a hard one. His usual literary training affords him but little help in the discharge of his multifarious and onerous duties, and his salary is starvingly low, so much so as to open many doors to temptation. Moreover, he is continually kept under the iron heel of his official superiors, who perchance may delight in nothing save the almighty dollar.

Before I leave this subject I cannot help expressing my pain at witnessing so many of China's choicest sons, who have had exceptional advantages in training and education both at home and abroad, cast away in favour of those who have obtained their official positions in the methods above enumerated, or forced to purchase their rank like the common herd, a necessity with which the more highly-minded among them will never comply, and to which only but few, for reasons best known to themselves, have hesitatingly yielded. What will be the consequence of this illiberal policy no one can tell; but one thing is certain: China by so doing has deprived herself of many good and faithful servants who otherwise would have served her with loyalty and distinction. **尊賢使能俊傑在位則天下之士皆悅而願立於其朝矣**

There is scarcely a civilized country in the world which needs more than China a really efficient navy and strong fortifications along her coast. But there is something which she is in greater need of, *i.e.*, competent hands to man her forts and attend to and fight her ships. Big

guns and forts are all very well in their way, but they are utterly useless against a foe unless they are worked and guarded with intelligence, precision, and judgment. Fast sailing cruisers, powerful ironclads, and swift torpedo-boats are excellent weapons of defence as well as offence, but they are only tools, and demand much skill, bravery, knowledge, and experience in their handling. In the hands of the uninitiated and ignorant they are clumsy and expensive toys—fit only to be sunk or captured by an enemy, after a brief resistance. Where will China find all the hands for her Navy without going abroad for them? I am aware that the present order of things is to hire foreign instructors and establish naval schools. Indeed, the Naval College at Foochow was established many years ago, and has from time to time turned out a large number of students, and, I will add, some promising ones too. But were all the students treated properly, and all promises made to them kept? Were their salaries liberal, and were they punctually paid; and did their salaries suffer much diminution or become beautifully less ere they reached the several recipients' pockets? When the students were qualified, did they get all they deserved, or what had been promised to them? Were they not put under the same official despotism as the other ordinary officers? Have they not been placed absolutely at the command of and obliged to take directions from ignorant officers who have never been to sea, and whose only merit consists in being high mandarins or the relations of such? Have there not been cases of desertion on account of bad treatment received, and have there been no frequent and loud complaints? Here more than anywhere internal reforms are required to induce promising young men to devote their time to the necessary course of study and training, and, when qualified, to risk their lives and all in the loyal defence of their dear country upon the raging billows. Get an efficient navy by all means, but before all get reform. Take timely warning by the naval encounter at Foochow, where so many of China's ships of war, though outnumbering the French fleet and carrying heavy ordnance, were sunk within the space of barely half an hour. Such a record should make a nation weep and repent in sackcloth and ashes. Just another little question. Under the present regime how much does it cost the Chinese Government to get, through her mandarins, an ironclad valued at say Dols.750,000? This is a nice algebraical problem. Perhaps it can be worked out by *x. y.* & *z.*

It is now time to direct our attention to China's Army. Here some of my remarks on her navy will equally apply. The Chinese make fine soldiers if properly disciplined and armed, and placed under brave leaders. Let their salaries be paid regularly and adequately according to law, and not cut down and kept in arrears for months together; let their drills be conducted regularly and at frequent intervals by experienced officers as a matter of fact and not of form; let their arms be of the best and more modern kind, not cheap and rusty old things; let the cartridges for their guns and rifles be of the right sort and size, not ill-fitting; let their officers and generals personally lead them into action, not staying behind miles away on some convenient spot out of harm's way; let their distinguished services and bravery be justly recognised and suitably rewarded without partiality and favouritism; and let no outsiders creep in to divide the glory with them by payment;—then there will be great hope that the soldiers of China will turn out as brave and successful as those of the best European powers. These are the only means by which reform can be brought about, while no amount of talking, severity, or compulsion will accomplish the desired end. Does China wish to have an army worthy of the name? Let her then first reform her internal administration in this department. One point I wish to impress especially upon those who have the guidance of affairs is, that the efficiency of an army does not so much depend upon the number of soldiers composing it as in their collective and individual proficiency. Therefore exult not over the 300,000,000 of souls. "受有臣億萬惟億萬心予有臣三千惟一心" I cannot leave this topic without recalling to mind the achievements of the Ever-Victorious Army when under the distinguished leadership of that renowned chief, the late lamented General C. G. Gordon.

As to China's relations with foreign powers, it must be admitted that she has much cause for complaint in that direction. She is bound down by treaties to do much that is incompatible with her rights and dignity as an independent sovereign state. She is often sharply pulled up and rebuked for the least semblance of a breach of an article in such treaties, while some foreign nations are not very careful in observing their parts of the agreements, and extremely tardy in rendering justice to her claims. China's sons, too, have not always received that amount of respect and consideration which they deserve, and in some places they have been brutally treated as if they were more devils than men. I deeply sympathise with China in every wrong which she has suffered, and I long with every true-hearted Chinaman for the time to come when China shall take her place among the foremost nations and her people be welcomed and esteemed everywhere. It will be a golden time indeed when China's offspring can stand upon the same equality and enjoy the same freedom and privileges as the inhabitants of the most favoured nations. Let this be the end and aim of all true patriotic sons of China, and I doubt not that the time will speedily come.

While I am thus exhorting let me give a few words of advice. Let those Chinese who have a mind to raise themselves and their nation along with them first find out the true cause of their country's degradation, and then apply the proper remedy. Do not rely too much upon the re-organisation of your army, nor the increase of your navy, nor upon your new forts and guns, the want of which has without doubt reduced the strength and position of China, but to a limited extent only. The real weakness of China, however, lies in her loose morality and evil habits, both social and political. With the social I have here nothing to do, since my object now is to deal with the political. Righteousness becomes a nation, but it does more. It is her backbone and fountain of strength. How does this apply in the present case? Let us see. Take a single example. What forces the several Foreign Powers to insist upon the violation of the Sovereign right of China to bring every foreign resident within her territory (excepting the various Ambassadors and their suites) under her law, and to try such offenders in her own courts and to mete out punishments in her own way? The Marquis Tseng would say that it is because China has not a formidable army and navy; but I would rather suggest that it was owing to the distrust with which Europeans universally regard the Chinese system of law and especially its administration. They hate the very idea of extorting evidence from prisoners and witnesses by infliction of corporal pain; they detest bribery and unfair dealings; they abhor the filthy prisons in which the condemned or even remanded are kept; they shudder at the sound of *ling-chi*, and almost faint at the various tortures usually resorted to in a Chinese Court. Does any one think that any foreign, especially European, Government will be insane and submissive enough to place their subjects at the mercy of China's mandarins when such things exist? Never, were China twenty times as strong as she is or stronger. If China wishes to have diplomatic relations with other countries upon an equal footing, and desires foreign powers to respect her sovereignty and rights, she must do a great deal more than simply get strong.

To China's decision to exercise a more effective supervision on the acts of her vassal princes, and to accept a larger responsibility for them than hitherto, I will say little, except to warn her that it is not the wisest plan by any means to accept any increased responsibility before you are ready for it. It will only bring you into more trouble and vexation of spirit. Is it not better for China to learn and adopt the best means for governing her own immediate possessions first, and then extend her influence gradually and by small degrees to her bordering and tributary States?

One important topic I have not yet touched upon. I reserve it for the last, though it is by no means the least. Where is China to find all the funds to pay for her increased armament, to work her mines, to run her railways, and to establish and maintain her factories? Her credit is good at present in the foreign market, yet that has a limit, and that limit will soon be reached. When the revenue derivable from the Imperial Customs becomes fully pledged, foreigners will not so readily lend except on the condition that they should have some voice in the control or management of the enterprise for which the money is to be loaned. China will scarcely relish such a condition. She will then be forced to raise a loan among her own peopel.

This is the better way. Nearly every European nation has a national debt in which her people freely invest in spite of the low rate of interest. Why should China not have a national debt also in which her own people can also invest? No reason at all, except that before borrowing from her subjects she has first to establish her credit with them, and win their confidence and trust. But does China possess the confidence of her people regarding money matters? I am afraid not. Witness the recent failure in the attempt to raise a small loan by the Canton authorities. One can hardly wonder at this, seeing the great reputation Chinese mandarins have acquired of knowing too well the value of money, and therefore hard to be made to part with any when once placed in their possession. Some Chinese go so far as to fear that if once they deposit their hard-earned capital with the Government they will never see it again, much less the interest. This is a pity, for I believe there are many wealthy Chinese who could afford to leave with the Government handsome sums on loan at moderate interest. Should the Government have much difficulty in securing sufficient funds to carry out all the contemplated improvements, they might be forced to leave much to be done by private enterprise. This, after all, is the best way, as has long ago been found out in other countries. But private enterprise will not be undertaken without much encouragement from and confidence in the Government. The least suspicion of injustice, the remotest fear of underhand dealings and undue interference on the part of the Government, such as the levying of blackmail, the imposition of heavy taxes, and the assumption of certain injurious prerogatives, would prove fatal to such undertakings. Will the Chinese Government give us some assurance beforehand?

In conclusion, I must apologise to the noble Marquis, for whom I entertain the profoundest respect and esteem, and to all my Chinese friends and compatriots, for the very plain way I have written of China and what I consider to be the evils she is labouring under. Every word has been uttered with sincerity and without the slightest malice or ill-feeling. If I have erred, I shall be thankful to those who will take the trouble to set me right. If I have, on the other hand, spoken truly, then let truth have her due weight, and may reformation follow as the consequence. I am not without my national pride, and I revere the land of my fathers; but I cannot concientiously go the length of stating that the French restored our invaded territory, when they had got everything they desired at Tonquin and the Province itself, which had for many generations been a vassal State of China. Nor can I say that China made peace in the hour of victory when she had actually lost her ancient tributary State and suffered such crushing defeats at Foochow and Keelung. I must honestly state that, although I am apt to be proud with a just pride, I must confess that, had the French not been so half-hearted, and cared to send a few more ships and several extra regiments of picked soldiers, I should have been anxiously concerned for the whole of the Chinese Empire. As it was, I was grateful that everything conspired to ward off the dangerous stroke—thanks to the fatal climate of Tonquin and Formosa, to the brave soldiers of the Black Flag, and the half-heartedness of the French nation. It is of no use to hide our defects and defer the remedy. They are like our bodily ailments: the more one conceals the longer will the appropriate and wholesome treatment be withheld, and the more disastrous will thi prove to our constitution. The searchin touch of the surgeon's probe must sometime be painful to the patient and trying to th medical man himself, but it is necessary. T know the disease is half the cure. Be this m justification and excuse. Marquis Tsêng did good service to his country by the publicatio of his able and masterly-written article in ques tion. The only drawback is that he mistoo the effect for the cause, while the cause itse was entirely lost sight of because it was no looked for. Any man may wear a sword an put on a coat of armour, but that does not prov he is a knight, although he may have all th paraphernalia of one. The Marquis should hav directed the wanderers to the fountain-hea instead of to its various ramifications.

Will the learned Marquis kindly consider th following passages from the Chinese Classics :-

"王如施仁政於民，省刑罰薄稅斂．．．．可使制梃，以撻秦楚之堅甲利兵矣" "上下交征利而國危矣" "苟爲後義而先利不奪不饜" "保民而王莫之能禦也." "足食足兵民信之矣．．．．自古皆有死民無信不立" "羿善射，慕盪舟，俱不得其死然，禹稷躬稼而有天下."

SINENSIS.

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED

Mr. Everett
9

No. 341.

Legation of the United States.

2d ASSISTANT SECRETARY.
Acted. May 11.
MAY 9 1887

Peking March 23rd 1887.

Mr. Denby to the

Secretary of State

Subject.

Celebration of the 90th birthday of the Emperor of Germany.

One enclosure.

No. 341.

Legation of the United States.

Peking March 23rd 1887.

To the Honorable

Thomas F. Bayard,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report that the Diplomatic Corps was yesterday entertained at dinner by Mr. von Brandt, the Minister of Germany, on the occasion of the ninetieth anniversary of the Emperor.

Although it is usual to merely propose a formal health

health, this occasion, in the opinion of Mr. von Brandt, demanded some remarks. He requested me, as next in seniority to himself, to propose the health of the Emperor and to say a few words on the auspicious occasion.

I enclose herewith a copy of my remarks, which were warmly and enthusiastically received.

1/341

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Copy of remarks as above.

Enclosure No. 1 in No. 341.

Gentlemen:

In proposing, as I shall have the honor to do, the health of His Imperial Majesty the King of Prussia and Emperor of Germany on this auspicious occasion, I will be pardoned, I trust, if I exceed the ordinary limits of official formality.

It is not given to many men, nor especially to many monarchs, to transcend the number of years allotted to men — three score and ten. But the Emperor of Germany, the whole world is glad to know, has reached the age of ninety years. Before this colossal figure of modern times we pause in respectful admiration as we glance back at the history of almost a century — and that incontestably

the

the most important cycle of time in material progress, in the amelioration of the condition of humanity and in the development of science and art, the world has ever known. The gracious Queen, whose jubilee is now circling with the hours the surface of the globe, has reigned fifty years, but, as becomes a lady, she is young compared with her imperial relative. The birth of the Emperor of Germany precedes by more than half a century the treaties under which China and Japan took their appropriate places in the family of nations. He is nearly as old as the Government I have the honor to represent.

I shall not attempt to refer to the great events which have been crowded into

into the life of this Monarch. Humanity has ever been marching forward and the great nation over which he rules so wisely and so benignly has, under his guidance, kept step to the tap of the electric drum of progress. He looks today on a united and consolidated Germany – his work. He sees his subjects the world over illustrating in practice the home virtues of which he has been a model. He hears from across the Atlantic and over distant waters the salutations of millions whose hearts turn to him and the fatherland. His own life has been blameless, his own character spotless. History will record the great acts of his reign, but we look at him tonight as husband, father, the kind,

benevolent

benevolent head of the family and the State, the wise ruler, the shining exemplar of every domestic virtue.

I think I voice your sentiments, gentlemen, in uniting with our distinguished host on this anniversary in heartfelt congratulations to the Emperor and to Germany.

I have the honor to propose the health of His Imperial Majesty, the King of Prussia and Emperor of Germany.

no file

No 342. a duplicate of 184 was sent to Mr. King March 30. 1887. See his no 299.

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED.

Legation of the United States.

Peking March 20th 1887.

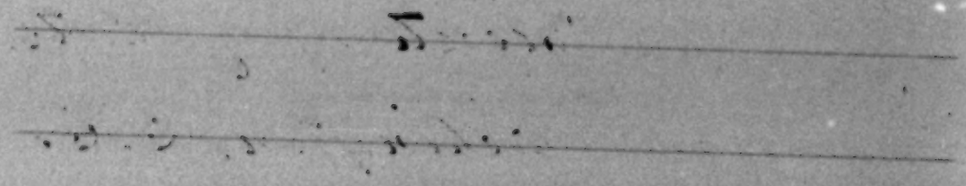
Mr. Denby to the

Secretary of State.

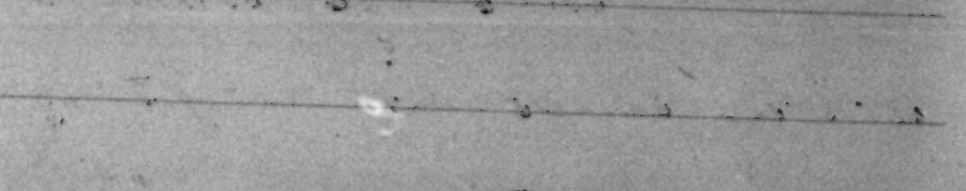
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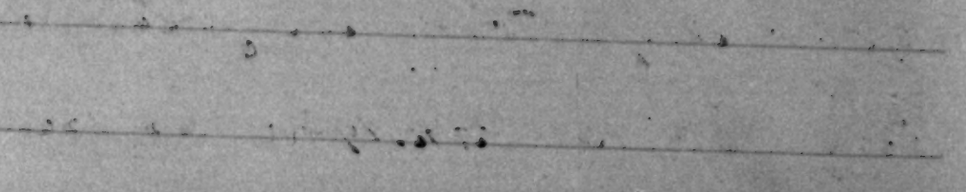
Acknowledging despatches

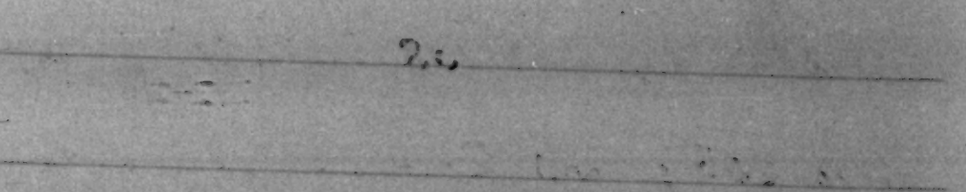
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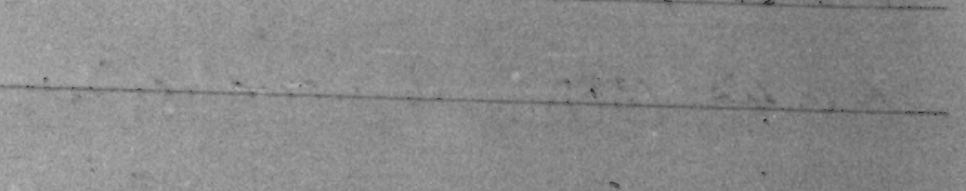


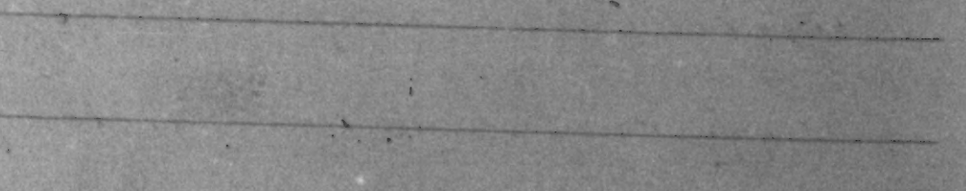


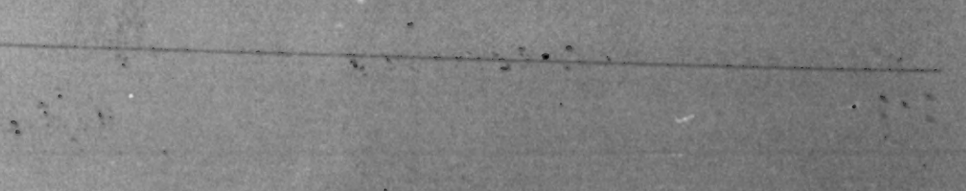












No. 342.

Legation of the United States.

Peking March 24th 1887.

To the Honorable

Thomas F. Bayard

Secretary of State.

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows— Nos 153, 154 Jan. 19th; 155, 156 Jan. 22nd; 157, 158 Jan. 24th; 159 Jan 26th; 160 Feb. 2nd and 161 Feb. 4th 1887. I have also received your confidential circular of Jan. 14th making certain additions to the

cipher

cipher code and a despatch addressed by mistake to Penaleton King, Esquire, Chargé d'Affairs ad interim of the United States, Peking, China, being numbered 184. I have forwarded this despatch to its true destination, Constantinople.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Copy & letter
Gen Wilson
Conile
Copies for F.R. 87

No 343.

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED.

Mr Everett
13

2d ASSISTANT SECRETARY.
MAY 9 1887

Legation of the United States.

Peking March 25th 1887.

Mr. Denby to the
Secretary of State.

Subject.

Emperor's assent procured to build Tacu-Tientsin Railroad.

Synopsis

Bid of Americans for contract set out. Efforts of Kaiping Railway and French to secure contract.

Interview with Viceroy Li.

Confidential.

No 343.

Legation of the United States.
Peking, March 25th 1887.

To the Honorable
Thomas F. Bayard
Secretary of State,
Washington, D.C.

Sir:

I have the honor to report that my information is that Li Hung Chang yesterday obtained the assent of the Emperor to the building of a railroad between Tacu and Tientsin.

To whom the contract will fall is not decided. It is understood that the

Viceroy

Viceroy favors the plan submitted to him last year by General Wilson and Mr. Smith of Russell & Co. Their proposition, which is now before the Viceroy, is that a Chinese Company is to be formed for Tacu line, the Company to have the right to build future extensions (to Tung Chow or Peking and the line south); Russell & Co to be foreign managers; Gen Wilson Chief Engineer; loan to be made for the Company of the Tacu line at 5½% interest, holding road as security. The loan is to be repaid as fast

as

as Chinese shares are sold.
The road is to be built and
stocked at actual cost.
Engineer Staff to receive $900
per month. Gen. Wilcox, or
some first class engineer to
come for nothing. Russell & Co
to receive such commission
as the Viceroy may allow.

omit * *

The Viceroy will
decide who shall have the
contract as soon as he
returns from the trip with
the Emperor to the Western
Mausolea - about the middle
of next month. The French
are making great efforts to
secure the contract. [Their
tactics are, as usual, to wait
until

omit * *

omit

until others have made
their bids and then offer
to do it at better rates.

The new Kaiping
Railway under the ex-Customs
Taotai, Chou, with a Canton
lawyer named Achoy, are
also bidding for the contract.
Propositions have been made
to consolidate this interest
with the American Company,
but no result has been
reached. (The outlook, however,
is favorable.

omit * *

I mention, incidentally,
that the Viceroy called on
me the 23rd instant. He gave
me my first information of
the passage of the Indemnity

Bill

Bill. He spoke very kindly of yourself; stating that you were very friendly with the Chinese Minister and were disposed to be just to China. His call was purely social and his bearing was very friendly. He said the Chinese and Americans had always been friendly and should still be so.

omit * *

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Mr. Kuckhoffer
Mr. Everett



Sep.

Legation of the United States.

Peking March 31st 1887.

Chas. Denby Jr. to the

Secretary of State

Subject.

Encloses salary account.

One enclosure.

Sep.

Legation of the United States.
Peking, March 31st 1887.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to
1/ enclose herewith statement
of my salary account for the
quarter ending this date,
against which I have drawn
my draft on Messrs Brown
Shipley & Co, London, in the
usual way.

I have the honor to be, Sir,
Your obedient servant,
Chas. Denby Jr,
Second Secretary.

Enclosure.
1. Account as above

15

DEPARTMENT OF STATE
MAY 7 1887
RECEIVED.

No 344.

Mr Everett
9

2D ASSISTANT SECRETARY.
Ack'd May 11. By clerk.
For Rels. 1887.
MAY 9 1887

Legation of the United States.
Peking, March 31st, 1887.

Mr. Charles Denby
to the
Secretary of State

Subject
Visit of H M the Emperor and Empress to the Western Tombs.

—

No 344.

Legation of the United States.
Peking, March 31st, 1887.

Honorable Thomas. F. Bayard.
Secretary of State.
Washington.

Sir:—

I have the honor to inform the Department that His Majesty the Emperor of China, accompanied by His Majesty the Empress Regent, started this morning for the Western tombs. These tombs, the object of the pilgrimage, are situated about 90 miles west from Peking, in the district of Tchou. There (as at the Eastern tombs, about the same distance east from the capital) lie the remains of some of His Majesty's ancestors, namely: the Emperors Kang Hsing, Kien Lung, Kia King, Tao Kuang, and the Empresses of Kia King and of Tao Kuang-

and

and thither their Majesties proceed
to offer sacrifices and perform
certain religious rites according
to Chinese usage.
For the past two weeks the official
classes have been intent on their
Majesties present visit and the
Peking Gazette has contained many
decrees having relation to the
arrangements for this excursion.
Orders have been issued by the
Throne to have the roads levelled
and the bridges put in a thorough
state of repair for the Imperial Cortège.
High officers have been appointed
to superintend this work and
attend generally to the minutest
details of the journey. A good
many of the nobility of Peking,
members of the Imperial Household,
and high officials are included
in the procession, and as each,
of course, will have appropriate
retinues -

retinues - this will make the cortège number several thousands of persons.

The Viceroy, Li Hung Chang, and the General of the Metropolitan Province were called away from their duties to accompany their Majesties - As these are the highest civil and military officers of the Province in which the journey is made, they are responsible for the protection of the Imperial personages during their absence from the Capital.

Their Majesties will return to the capital on the 10th of April.

I have the honor to be,

Sir

Your Obedient Servant

Charles Denby